

# MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

## REGULAR MEETING OF

**OCTOBER 2, 1998**

(Published October 10, 1998,  
in Finance and Commerce)

Council Chamber

Minneapolis, Minnesota

October 2, 1998 – 9:30 a.m.

President Cherryhomes in the Chair.

Present – Council Members Biernat,  
Niland, Goodman, Colvin Roy, Herron, Mead,  
Minn, McDonald, Johnson, Ostrow, Thurber,  
Campbell, President Cherryhomes.

Campbell moved acceptance of the  
minutes of the adjourned session held  
September 11 and the regular meeting of  
September 28, 1998. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and  
communications and reports of the City officers  
to proper Council committees and departments.  
Seconded.

Adopted upon a voice vote.

### **PETITIONS AND COMMUNICATIONS**

#### **COMMUNITY DEVELOPMENT (See Rep):**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264157)

East Village Project: Preliminary approval  
to issue \$12,000,000 in tax-exempt multi-family  
housing revenue bonds for East Village  
Housing Corp.

Driftwood Apartments (101 & 135 E 59th  
St): Final approval to issue \$1,670,000 of  
revenue refunding bonds to finance & rehab  
housing facility.

Walker Methodist Senior Services  
Obligated Group Project: Preliminary approval  
to issue \$80,000,000 in tax-exempt revenue  
bonds to refinance and renovate various  
assisted living projects.

Lot Division: 614-29th Ave N.

MN Housing Finance Agency:

Appropriation increase to originate mortgage  
assistance loans in targeted neighborhoods.

Capital Investment Fund: Appropriation  
increase to cover interest, service charges &  
mortgage grants.

Rehab Support Program (RSP):

Reallocation of \$400,000 in Year 24 CDBG  
funds from RSP to GMMHC Homeownership  
Program & \$400,000 in Development Account  
funds from Century Homes Program to RSP.

#### **COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264158)

Southeast Minneapolis Industrial Area  
(SEMI): Application to MN Dept of Trade &  
Economic Development for redevelopment  
grant.

COORDINATOR (264159)

Federal Empowerment Zone Designation:  
Submission of City of Minneapolis application.

NEIGHBORHOOD REVITALIZATION  
PROGRAM (NRP) (264160)

Status of Bottineau Neighborhood  
commitment to East Side Neighborhood  
Services.

#### **INTERGOVERNMENTAL RELATIONS:**

ATTORNEY (264161)

CODEFOR: Legislative proposal & graphs  
showing felony & misdemeanor cases in 1997  
& 1998.

LIAISON/FEDERAL, LOCAL AND STATE  
(264162)

Update on Federal Congressional issues of  
appropriations, taxes, impeachment, VA-HUD  
bill.

**INTERGOVERNMENTAL RELATIONS and  
TRANSPORTATION & PUBLIC WORKS  
(See Rep):**

WATER DEPARTMENT (264163)

Finished Reservoir Site (4000 & 4100  
France Ave S): Clarify that site is intended for  
an emergency finished water reservoir and is  
not available as site for the Southwest  
Elementary School as proposed by West Metro  
Education Program w/attachments.

**PUBLIC SAFETY AND REGULATORY  
SERVICES:**

POLICE DEPARTMENT (264165)

State of the Precincts: 2nd Precinct  
Information Packet.

**PUBLIC SAFETY AND REGULATORY  
SERVICES (See Rep):**

HEALTH AND FAMILY SUPPORT  
SERVICES (264166)

Temporary Clerical Staff Services: Amend  
agreement with Accustaff, Inc. extend period  
of services.

INSPECTIONS/BOARD OF  
ADJUSTMENT (264167)

Noise Ordinance: Amendments clarifying  
various kinds of evening noise activity,  
adjusting maximum noise levels and adding  
prohibited acts.

Building Code Ordinance: Adopt latest  
edition of State Building Code; Eliminate  
requirement for full basement and substitute  
with inspection report; Amend sections on  
code compliance requirements for boarded,  
condemned and moved buildings.

Raze Buildings: 620 E 24th St.

LICENSES AND CONSUMER SERVICES  
(264168)

Tax Delinquency: Revoke Off-Sale Beer,  
Grocery, Food Manufacturer, Tobacco and Gas  
Station Licenses held by Nasser, Inc. dba Total  
Mart.

Mac's Sport Bar and Grill (301 Central Ave  
SE): Technical Advisory Committee recmds in  
matter of liquor license.

License applications.

**PUBLIC SAFETY AND REGULATORY  
SERVICES and WAYS & MEANS/  
BUDGET (See Rep):**

FIRE DEPARTMENT (264169)

Automated Fire Records Management  
Information System: Issue Request for  
Proposals.

POLICE DEPARTMENT (264170)

Multi-Jurisdictional Narcotics Enforcement  
Task Force: Submit joint grant application  
with Hennepin County to the State seeking  
renewal of federal funds for 1999.

CCP/SAFE Somali Education Program:  
Grant application to State seeking funds for  
collaboration and educational opportunities  
between Police Department and members of  
Somali community.

**TRANSPORTATION AND PUBLIC WORKS:**

PUBLIC WORKS AND ENGINEERING  
(264171)

Critical Parking Area: Application for  
Pleasant Ave S from 48th to 49th Sts and 49th  
St from Wentworth to Pleasant Aves.

Blooming Boulevard Ordinance: Proposed  
revisions.

Bus Shelter Franchise Fee Report:  
Amended report on Transtop Minnesota, Inc.  
fee.

**TRANSPORTATION AND PUBLIC WORKS  
(See Rep):**

PUBLIC WORKS AND ENGINEERING  
(264172)

Critical Parking Area: Establish on Upton  
Av S (2001 to 2021).

5th Av S (Washington Av to 2nd St)  
Roadway Improvement Project: Approve  
Layout #7.

Towing Contract: Report on contract  
violations by Shorty's Heavy Duty Wrecker  
Service.

Minneapolis School Traffic Study:  
Authorize Public Works Department to submit a  
decision package for 1999 funding for  
comprehensive study of school parking/traffic,  
in conjunction with Special School District #1.

PUBLIC WORKS AND ENGINEERING  
AND PARK BOARD (264173)

Public Works/Park & Recreation Board  
Service Overlaps Redesign Report.

**TRANSPORTATION AND PUBLIC WORKS  
and WAYS & MEANS/BUDGET**

**(See Rep):**

**PURCHASING (264174)**

Bid: OP #4940, low bid meeting specifications of Patterson Pump Company for two centrifugal pumping units for Water Department.

**WATER DEPARTMENT (264175)**

Automated Dispatching System: Authorize issuance of Request for Proposals for system to process requests for marking underground utilities.

34 Million Gallon Finished Water Reservoir Project: Reduce site improvement contract with VEIT Company.

**WAYS AND MEANS BUDGET (See Rep):**

**ARTS COMMISSION (264176)**

Armatage Neighborhood Gateway Project: Contract with Scott Wallace, as artist.

**ATTORNEY (264177)**

Settlement: Authorize payment to Demarco Blue and his attorney.

Settlement: Authorize payment to Farmers Insurance Group.

Legal Courier & Court Reporting Services: Issue Request for Proposals.

**FINANCE DEPARTMENT (264178)**

Bank Depository Designation: Approve designation for various banks.

People of Phillips Audit Review Committee: Staff proceed with recommendations in Section V of report and refer report to Permanent Review Committee & Neighborhood Revitalization Program Policy Board.

Greyhound/Jefferson Ramp: Issue General Obligation Parking Bonds.

Refunding Bonds for Savings: Report.

**HEALTH AND FAMILY SUPPORT  
SERVICES (264179)**

Curfew/Truancy Services: Issue Fund Availability Notice to Minneapolis Urban League.

Placement & Referral Services: Modify Fund Availability Notices to Minnesota Department of Economic Security.

Youth Works/AmeriCorps Program: Issue Fund Availability Notices to Loring Nicollet Bethlehem Community Centers, Inc.

**HUMAN RESOURCES (264180)**

Diversity Plan: Approve "A New Thrust for the Affirmative Action Program of the City of Minneapolis."

1999 HMO Contract: Renew with HealthPartners & Medica.

Redesign of Affirmative Action Program: Approve grades & salary range for Director of Affirmative Action & Staffing and Director of Employer-Employee Relations and Salary Ordinance.

**HUMAN RESOURCES (264181)**

Supervisor, Grants & Special Projects Position: Salary Ordinance.

Labor Agreement Settlement: Salary Ordinance for Building & Construction Trades Council and Electricians.

Labor Agreement Settlement: Salary Ordinance for Building and Construction Trades Council, Trades Inspectors Unit.

Labor Agreement Settlement: Salary Ordinance for International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators of the US and Canada.

**ZONING AND PLANNING (See Rep):**

**CITY CLERK/SPECIAL PERMITS  
(264182)**

E 25th St, 3201 (Carolyn Emerson) carport construction.

**HERITAGE PRESERVATION  
COMMISSION (264183)**

Adath Jeshurun Synagogue, aka First Universalist Church (3400 Dupont Ave S): Approve local heritage preservation designation, w/conditions, w/attachments.

Handicraft Guild Building (89-91 S 10th St & 1004 Marquette Ave): Approve local heritage preservation designation, w/attachments.

**PLANNING COMMISSION/DEPARTMENT  
(264184)**

Upper Midwest Sales (1401 W River Road N): Approve Vacation #1234 of E 1/2 of 1st St N westerly of & adjacent to Apartment Ownership #0096, North River Road Industrial Condominium, w/findings & attachments.

Public Works/Park Printing (29th Ave NE & California St NE): Approve Vacation 1243 of City utility easement in Block 1, Lot 2, Ranat Addition, w/findings & attachments.

Acrylic Fabricators Corp (4011 Washington Av N): Approve Vacation #1248 of 40th Av N adjacent to and south of Lots 8, 9 & 10, Block 1, Thomas Morgan's Addition, w/findings & attachments.

Central Community Housing Trust:  
Approve vacation #1210 of 12th Av S between  
8th & 9th Sts S, w/findings & attachments.

Cart, Inc (2900 & 2912 Clinton Av S):  
Rezoning application P-1040 to rezone  
property, w/findings & attachments.

Holiday Stationstores, Inc (2108-2124 E  
Franklin Av): Approve rezoning application  
P-1039A and P-1039B w/findings &  
attachments; Action of Planning Commission.

**MOTIONS (See Rep):**

ATTORNEY (264185)

Workers Compensation: Payments to City  
employees.

**FILED:**

COMMUNITY DEVELOPMENT AGENCY,  
MINNEAPOLIS (MCDA) (264186)

Focus MCDA: Future Direction and  
Priorities document (mission, role, priorities,  
goals & strategies).

FINANCE DEPARTMENT (264187)  
Investment Management System &  
Reconciliation Report thru August 31, 1998.

FINANCE DEPARTMENT (264188)  
Investment Management System &  
Reconciliation Report thru July 31, 1998.

**Reports of  
Standing Committees**

The **Community Development** Committee  
submitted the following reports:

**Comm Dev** – Your Committee, having  
under consideration issuance of bonds to  
finance the proposed redevelopment project of  
Central Community Housing Trust for new  
construction of East Village North, to be owned  
by Augustana Village Limited Partnership,  
consisting of a three story, 70 unit building of  
which 38 units will be rental and income  
controlled by the tax credit program; and East  
Village South, to be owned by East Village  
Housing Corporation, consisting of two, five  
story buildings totaling 106 units, and also  
including commercial space and a two-level  
underground parking garage, in the area  
bounded by S 8th & 9th Sts and 11th & 12th  
Aves S, and having conducted a public hearing  
thereon, now recommends passage of the  
accompanying resolution granting preliminary  
approval to the issuance of up to \$12,000,000  
in 501(c)(3) Tax-exempt Multifamily Housing

Revenue Bonds for the East Village Project  
(Petr No 264157).

Your Committee further recommends  
summary publication of the above-described  
resolution.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-372, giving preliminary  
approval to the issuance of tax-exempt multi-  
family housing revenue bonds under Minnesota  
Statutes, Chapter 462C for the purpose of  
financing a housing program consisting of the  
acquisition and construction of a multifamily  
rental housing development for the benefit of  
East Village Housing Corporation was passed  
October 2, 1998 by the City Council and  
approved October 8, 1998 by the Mayor. A  
complete copy of this resolution is available for  
public inspection in the office of the City Clerk.

The following is the complete text of the  
unpublished summarized resolution.

**RESOLUTION 98R-372  
By Niland**

**Giving preliminary approval to the  
issuance of tax-exempt multifamily housing  
revenue bonds under Minnesota Statutes,  
Chapter 462C for the purpose of financing a  
housing program consisting of the acqui-  
sition and construction of a multifamily rental  
housing development for the benefit of East  
Village Housing Corporation.**

Whereas, the City of Minneapolis,  
Minnesota (the "City") is authorized, pursuant  
to Minnesota Statutes, Chapter 462C, as  
amended (the "Act") to develop and administer  
programs to finance one or more multifamily  
housing developments within its boundaries;  
and

Whereas, Section 462C.07 of the Act  
authorizes the City to issue and sell revenue  
bonds or obligations to finance programs for  
the multifamily housing developments; and

Whereas, representatives of East Village  
Housing Corporation, a Minnesota nonprofit  
corporation (the "Developer") has requested  
that the City adopt a multifamily housing

development program (the "Program") to provide for the issuance of up to \$12,000,000 of its tax-exempt multifamily housing revenue bonds (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of a 106-unit multifamily rental housing development to be located at 1401 through 1431 11th Avenue South and 1110 East 15th Street in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City held a public hearing on the Program and proposed issuance of the Bonds after at least 15 days published notice thereof and after submission of the Program to the Metropolitan Council for review and comment; and

Whereas, the Council has been advised by Miller, Johnson & Kuehn, Incorporated, representing the Developer, that on the basis of information available to them, the Project is economically feasible and the Bonds could be successfully issued and sold; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not be a debt of the City within the meaning of any state constitutional provision or statutory limitation, and will not constitute or give rise to a charge against the general credit or taxing power of the City or a pecuniary liability of the City, nor shall the Bonds be payable out of any funds or properties other than those provided as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in a principal amount not to exceed \$12,000,000 is preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the Minneapolis Community Development Agency is hereby authorized, in cooperation with bond counsel to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration a proposal to issue refunding bonds on behalf of Driftwood Partners Limited Partnership to refinance the Driftwood Apartments at 101 and 135 E 59th St, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution granting final approval to the issuance of \$1,670,000 in Tax Credit Investor Revenue Refunding Bonds (Petr No 264157).

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-373, authorizing the issuance of Tax Credit Investor Revenue Refunding Bonds, Series 1998 (Driftwood Apartments Project), in an aggregate principal amount not to exceed \$1,670,000, and approving and authorizing the execution of various documents in connection therewith was passed October 2, 1998 by the City Council and approved October 8, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-373**  
**By Niland**

**Authorizing the issuance of Tax Credit Investor Revenue Refunding Bonds, Series 1998 (Driftwood Apartments Project), in an aggregate principal amount not to exceed**

**\$1,670,000, and approving and authorizing the execution of various documents in connection therewith.**

Whereas, pursuant to the Minnesota Municipal Housing Act, Minnesota Statutes, Chapter 462C (the "Act") a city is authorized to carry out programs for the financing of multifamily housing for persons of low and moderate income, and to issue its revenue bonds to finance its programs; and

Whereas, the City of Minneapolis (the "City") has previously issued its \$1,670,000 Tax Credit Investor Revenue Bonds, Series 1994B (Driftwood Apartments Project) (the "Prior Bonds") to make a loan to finance part of the cost of the acquisition and rehabilitation of a 198-unit multifamily rental housing facility (the "Project") known as Driftwood Apartments, by Driftwood Partners Limited Partnership, a Minnesota limited partnership (the "Company"); and

Whereas, it has been proposed that the Prior Bonds be refunded by the issuance of Tax Credit Investor Revenue Refunding Bonds, Series 1998 (Driftwood Apartments Project) (the "Bonds") in an aggregate principal amount not to exceed \$1,670,000; and

Whereas, the Bonds will be issued under an Indenture of Trust (the "Indenture"), and said Bonds and the interest on said Bonds shall be payable solely from the revenues pledged therefor and the Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation nor give rise to a pecuniary liability of the City or a charge against its general credit or assets and shall not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than the City's interest in said Project; and

Whereas, forms of the following documents (including the exhibits referred to therein) have been submitted to the City:

a. The Indenture to be made and entered into among the City and U.S. Bank Trust National Association, as trustee (the "Trustee"), providing for the issuance of the Bonds, prescribing the form thereof, pledging the trust estate described therein for the security of the Bonds, and setting forth proposed recitals, covenants and agreements by the parties with respect thereto;

b. The Loan Agreement to be executed by the City and the Company pursuant to which

the proceeds of the Bonds are applied to make a loan to the Company;

c. The Amendment No. 1 to Regulatory Agreement to be executed by the City, the Company and the Trustee, setting forth certain covenants of the Company;

d. A Bond Purchase Agreement, to be dated as of the date of execution thereof (the "Bond Purchase Agreement"), by and among the City, the Company and Piper Jaffray Inc. (the "Underwriter") providing for the purchase of the Bonds by the Underwriter;

e. The Assumption Agreement to be executed by Eloigne Company, a Minnesota corporation and the Trustee;

f. A Preliminary Official Statement (the "Preliminary Official Statement").

The agreements described and referred to in paragraphs a through e above shall hereinafter sometimes be referred to collectively as the "Agreements;"

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That it is hereby found, determined and declared that:

a. The preservation of the quality of life in the City is dependent upon the construction, maintenance, provision, and preservation of an adequate housing stock which is affordable to persons and families of low or moderate income, that accomplishing this is a public purpose, and that many would-be providers of housing units in the City are either unable to afford mortgage credit at present market rates of interest or are unable to obtain mortgage credit because the mortgage credit market is severely restricted;

b. The issuance and sale of the Bonds by the City, and the execution and delivery of the Agreements to which the City is a party and the performance of all covenants and agreements of the City contained therein and of all other acts and things required under the Constitution and Laws of the State of Minnesota to make the Agreements and the Bonds valid and binding obligations of the City in accordance with their terms, are authorized by the Act;

c. It is desirable that the Bonds in the principal amount not to exceed \$1,670,000 be issued by the City, on the terms set forth in the Indenture, the Loan Agreement and the Bond Purchase Agreement;

d. The payments required or provided for by the Agreements are intended to produce income and revenues sufficient to provide for

the payment when due of principal of and interest on all Bonds issued under the Indenture, and payments are required to be made for such expenses of, among other things, administration of the Program, as will be necessary to protect the interests of the City and the Trustee; and

e. Pursuant to the provisions of the Act, and as provided in the Agreements, the Bonds shall be retired solely from the revenues of the Project and other revenues specifically pledged therefor.

Be It Further Resolved that the Agreements in substantially the forms submitted to the City at this meeting are hereby approved. Such of the documents as require the execution of the City are hereby authorized and directed to be executed or accepted, as the case may be, and delivered in the name and on behalf of the City by its Mayor, City Clerk and Finance Officer upon execution thereof by the parties thereto as appropriate. The Bonds and the Agreements shall be executed and delivered as provided therein. Copies of all the documents necessary for the consummation of the transactions described herein and in the Agreements shall be delivered, filed and recorded as provided herein and in the Agreements.

Be It Further Resolved that the form and terms of the Agreements may be varied prior to execution and delivery by the parties thereto, provided that any such variance shall not be, in the opinion of the City's legal counsel and the Mayor, materially adverse to the interests of the City. The execution and delivery of the Agreements as provided above shall be conclusive evidence of the determination that any such variance was not materially adverse to the interests of the City.

Be It Further Resolved that in anticipation of the collection of revenues of the Project, there shall be issued forthwith the Bonds, in an aggregate principal amount not to exceed \$1,670,000, which issuance is approved, substantially in the forms and upon the terms set forth in the Indenture, the terms of which are for this purpose incorporated in this resolution and made a part hereof as if fully set forth herein. The Bonds shall be dated as of the date and shall mature on the dates not later than July 15, 2010 (subject to redemption on such earlier dates as provided in the Indenture), bear interest and be payable at the

rates, all determined as set forth in the Indenture, provided that such rates shall result in an average coupon rate not greater than 7%.

Be It Further Resolved that all actions of the members, employees and staff of the City heretofore taken in furtherance of the Program are hereby approved, ratified and confirmed.

Be It Further Resolved that the sale of said Bonds to the Underwriter is hereby approved, and the Bonds are hereby directed to be sold to the Underwriter, upon the terms and conditions set forth in the Bond Purchase Agreement. The Mayor, City Clerk and Finance Officer of the City are hereby authorized and directed to prepare and execute by manual or facsimile signature the Bonds as described in the Indenture and to deliver them to the Trustee (which is herein designated as the authenticating agent under Minnesota Statutes, Section 475.55) for authentication and delivery to or as instructed by the Underwriter, together with a certified copy of this resolution, and the other documents required by the Indenture.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the City are authorized and directed to prepare and furnish when the Bonds are issued, certified copies of all proceedings and records of the City relating to the Bonds and such other affidavits and certificates (including but not limited to those required by bond counsel) as may be required to show the facts relating to the legality, tax exemption and marketability of the Bonds as such facts appear from the books and records in said officers' custody and control or as otherwise known to them; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements made by the City and contained therein. The Mayor, City Clerk, Finance Officer and said officers are further authorized to execute such additional documents as shall be determined by the Mayor to be necessary and desirable to provide for the issuance of the Bonds.

Be It Further Resolved that the Mayor, City Clerk, Finance Officer and other officers of the Issuer consent to the distribution of the Preliminary Official Statement relating to the Bonds, substantially in the form on file with the Issuer. The Mayor, City Clerk, Finance Officer and said officers further consent to the use by the Underwriter in connection with the sale of

the Bonds of a final Official Statement, substantially in the form of the Preliminary Official Statement described above. The Preliminary Official Statement and the Official Statement are the sole materials consented to by the Mayor, City Clerk, Finance Officer and said officers for use in connection with the offer and sale of the Bonds. The Mayor, City Clerk, Finance Officer and said officers have not participated in the preparation thereof, have not made any independent investigation of the information contained therein and shall have no liability in connection with the contents of or use of such offering materials.

Be It Further Resolved that all covenants, stipulations, obligations and agreements of the City contained in this resolution and the aforementioned documents shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants, stipulations, obligations and agreements shall be binding upon the City. Except as otherwise provided in this resolution, all rights, powers and privileges conferred and duties and liabilities imposed upon the City by the provisions of this resolution or of the aforementioned documents shall be exercised or performed by the City or by such members of the City, or such officers, board, body or agency thereof as may be required or authorized by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation or agreement herein contained or contained in the aforementioned documents shall be deemed to be a covenant, stipulation, obligation or agreement of any member of the City, or any officer, agent or employee of the City in that person's individual capacity, and neither the City Council nor any officer or employee executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No provision, covenant or agreement contained in the aforementioned documents, the Bonds or in any other document related to the Bonds, and no obligation therein or herein imposed upon the City or the breach thereof, shall constitute or give rise to any pecuniary liability of the City or any charge upon its general credit or taxing powers. In making the agreements, provisions, covenants and representations set forth in such documents, the City has not obligated itself to

pay or remit any funds or revenues, other than funds and revenues derived from the Project or the proceeds of the Bonds which are to be applied to the payment of the Bonds, as provided therein and in the Indenture. The Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property or funds of the City except the revenue and proceeds pledged to the payment thereof, nor shall the City be subject to any liability thereon. The holders of the Bonds shall never have the right to compel any exercise of the taxing power of the City to pay the outstanding principal of the Bonds or the interest thereon, or to enforce payment thereof against any property of the City. The Bonds shall recite in substance that the Bonds, including the interest thereon, are payable solely from the revenues and proceeds pledged to the payment thereof. The Bonds shall not constitute a debt of the City within the meaning of any constitutional or statutory limitation.

Be It Further Resolved that except as herein otherwise expressly provided, nothing in this resolution or in the aforementioned documents expressed or implied is intended or shall be construed to confer upon any person or firm or corporation, other than the City or any holder of the Bonds issued under the provisions of this resolution, any right, remedy or claim, legal or equitable, under and by reason of this resolution or any provision hereof, this resolution, the aforementioned documents and all of their provisions being intended to be and being for the sole and exclusive benefit of the City and any holder from time to time of the Bonds issued under the provisions of this resolution.

Be It Further Resolved that in case any one or more of the provisions of this resolution, or of the aforementioned documents, or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution, or of the aforementioned documents, or of the Bonds, but this resolution, the aforementioned documents, and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Be It Further Resolved that the Bonds, when executed and delivered, shall contain a recital that they are issued pursuant to the Act, and such recital shall be conclusive evidence



of the validity of the Bonds and the regularity of the issuance thereof, and that all acts, conditions and things required by the laws of the State of Minnesota relating to the adoption of this resolution, to the issuance of the Bonds and to the execution of the aforementioned documents to happen, exist and be performed precedent to and in the enactment of this resolution, and precedent to issuance of the Bonds and precedent to the execution of the aforementioned documents have happened, exist and have been performed as so required by law.

Be It Further Resolved that in the event any of the officers of the City authorized to execute documents on behalf of the City under this resolution shall have resigned or shall for any reason be unable to do so, any member of the City, or officer of the City, is hereby directed and authorized to do so on behalf of the City, with the same effect as if executed by the officer authorized to do so in this resolution.

Be It Further Resolved that this Resolution shall take effect upon publication.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration a proposal to issue bonds on behalf of Walker Methodist Senior Services Obligated Group Project, and having held a public hearing thereon, now recommends passage of the accompanying resolution giving preliminary approval to the issuance of up to \$80 million in Tax Exempt Revenue Bonds for the following projects, as more fully set forth in (Petr No 264157):

1) The Minneapolis portion of the refunding bond issue, approximately \$40 million, will be used to refinance the following outstanding Minneapolis bond projects: a) Walker Senior Housing Corporation Project, 3535 Bryant Ave S; b) Walker Cityview and Walker Southview Nursing Home Projects at 6130 Lyndale Ave S and 618 E 17th St; c) Walker Methodist Health Center Project, 3737 Bryant Ave S; and d) Walker Residence Project, 3701 Bryant Ave S;

2) The Minneapolis portion which will be used to make repairs, renovations and improvements to the various nursing home

facilities located in Minneapolis will be approximately \$8.5 million;

3) Approximately \$11 million will be used to make improvements and refinance the 72-unit assisted living facility at 7400 York Ave S, Edina, MN;

4) Approximately \$8.5 million will be used to make improvements and refinance the 128-unit elderly rental housing project at One West Thompson, W St. Paul, MN;

5) Approximately \$6 million will be used to make improvements and refinance the 98-unit elderly rental housing project at 131 Monroe St, Anoka, MN.

Your Committee further recommends summary publication of the above-described resolution.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-374, giving preliminary approval to a project and its financing under the Municipal Industrial Development Act on behalf of Walker Senior Services Obligated Group was passed October 2, 1998 by the City Council and approved October 8, 1998 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-374**  
**By Niland**

**Giving preliminary approval to a project and its financing under the Municipal Industrial Development Act on behalf of Walker Senior Services Obligated Group.**

**RECITALS:**

Whereas, the City of Minneapolis (the "City") received a proposal from Walker Methodist Health Center, Inc., Walker Care Corporation I, Walker Assisted Living Corporation I, Walker Senior Housing Corporation III, Walker Senior Housing Corporation V, Walker Senior Housing Corporation IX, Walker Senior Services, Inc., Walker Residence, Inc. and Walker Community

Services, Inc. (together with any affiliates of the foregoing (the "Obligated Group") that the City issue its revenue bonds (the "Bonds") pursuant to Minnesota Statutes Chapter 462C and Sections 469.152 to 469.1651 for the purposes described below; and

Whereas, it is proposed that a portion of the Bonds (the "Minneapolis Portion") may be issued to pay costs of (i) refunding one or more bonds issued as a part of City of Minneapolis, Minnesota Multifamily Housing Revenue Bonds (Walker Senior Housing Corporation V Project) Series 1988, issued in the original principal amount of \$4,450,000 and City of Minneapolis, Minnesota Multifamily Housing Revenue Note (Walker Senior Housing Corporation V Project) Series 1988, issued in the original principal amount of \$300,000, proceeds of which were used to finance or refinance costs associated with a 107-unit rental apartment building located at 3535 Bryant Avenue South in the City, owned by Walker Senior Housing Corporation V; (ii) refunding City of Minneapolis, Minnesota Nursing Home Revenue Bonds (Walker Cityview and Southview Projects) Series 1992, issued in the original principal amount of \$5,650,000, proceeds of which were used to finance or refinance costs associated with a 144-bed skilled care nursing home, located at 6130 Lyndale Avenue South in the City and a 170-bed skilled care nursing home, located at 618 East 17th Street in the City, each owned by Walker Health Services, Inc. (subject to transfer to one or more affiliates of the Obligated Group); (iii) refunding Minneapolis Community Development Agency Revenue Refunding Bonds (Walker Methodist Health Center, Inc. Project) Series 1995, issued in the original principal amount of \$18,440,000, proceeds of which were used to finance or refinance costs associated with a 490-bed skilled and intermediate care nursing facility, located at 3737 Bryant Avenue South in the City, owned by Walker Methodist Health Center, Inc.; (iv) refunding City of Minneapolis, Minnesota Seven Year Adjustable Put Option Refunding Revenue Bonds (Walker Residence, Inc. Project) Series 1991A, issued in the original principal amount of \$11,400,000 and City of Minneapolis, Minnesota Taxable Revenue Bonds (Walker Residence, Inc. Project) Series 1991B, issued in the original principal amount of \$300,000, proceeds of

which were used to finance or refinance costs associated with a 139-unit senior apartment facility known as Walker Place, located at 3701 Bryant Avenue South in the City, owned by Walker Residence, Inc., (v) repairing, renovating or otherwise improving one or more of the foregoing described facilities (the "Minneapolis Facilities"), (vi) funding any debt service or other reserves and (vii) paying transaction costs related to the foregoing. Proceeds of the Bonds not constituting a part of the Minneapolis Portion, if any, would be applied to pay costs of bonds issued by the Issuer on behalf of one or more of the City of Anoka, the City of Edina and the Dakota County Housing and Redevelopment Authority or to pay other lawful costs related to facilities (as set forth herein) located in one or more of the City of Anoka, the City of Edina and the City of West St. Paul. The aggregate face amount of the Bonds will not exceed \$80,000,000 with not more than \$55,000,000 thereof constituting the Minneapolis Portion; and

Whereas, a portion of the Bonds (the "Edina Portion") may be issued to pay costs of (i) refunding one or more bonds issued as a part of City of Edina, Minnesota Multifamily Housing Revenue Bonds (Walker Assisted Living Corporation I) Series 1991, issued in the original principal amount of \$6,700,000 or \$450,000 original issue amount of City of Edina Subordinated Multifamily Housing Revenue Note (Walker Assisted Living Corporation) Series 1991, proceeds of which bonds were used to finance or refinance costs associated with a 72 unit assisted living facility (the "Edina Facilities"), located at 7400 York Avenue South in the City of Edina, Minnesota, owned by Walker Assisted Living Corporation I, (ii) repairing, renovating or otherwise improving or equipping one or more of the Edina Facilities, (iii) funding any debt service or other reserves and (iv) paying transaction costs related to the foregoing. The aggregate face amount of the Bonds constituting the Edina Portion will not exceed \$11,000,000; and

Whereas, a portion of the Bonds (the "Dakota County Portion") may be issued to pay costs of (i) refunding in one or more bonds issued as a part of The Dakota County Housing and Redevelopment Authority Multifamily Rental Housing Revenue Bonds (Westwood Ridge Senior Residence Project) Series

1994A, issued in the original principal amount of \$4,650,000 or The Dakota County Housing and Redevelopment Authority Multifamily Rental Housing Revenue Bonds (Westwood Ridge Senior Residence Project) Series 1994B, issued in the original principal amount of \$2,665,000, proceeds of which were used to finance or refinance costs associated with a 128 unit elderly rental housing development located at One West Thompson, in the City of West St. Paul, Minnesota, owned by Walker Senior Housing Corporation IX (the "Dakota County Facilities"), (ii) repairing, renovating or otherwise improving or equipping one or more of the Dakota County Facilities, (iii) funding any debt service or other reserves and (iv) paying transaction costs related to the foregoing. The aggregate face amount of the Bonds constituting the Dakota County Portion will not exceed \$8,500,000; and

Whereas, a portion of the Bonds (the "Anoka Portion") may be issued (i) to pay costs of refunding one or more bonds issued as a part of City of Anoka, Minnesota Multifamily Housing Revenue Bonds (Walker Plaza Project) Series 1989A, issued in the original principal amount of \$2,625,000 or City of Anoka, Minnesota Multifamily Housing Revenue Bonds (Walker Plaza Project) Series 1989B, issued in the original principal amount of \$2,150,000, the proceeds of which were used to finance or refinance costs associated with a 98 unit elderly rental housing development, located at 131 Monroe Street in the City of Anoka, Minnesota, owned by Walker Senior Housing Corporation III (the "Anoka Facilities"), (ii) repairing, renovating or otherwise improving or equipping one or more of the Anoka Facilities, (iii) funding any debt service or other reserves and (iv) paying transaction costs related to the foregoing. The aggregate face amount of the Bonds constituting the Anoka Portion will not exceed \$6,000,000; and

Whereas, the Community Development Committee of this Council conducted a public hearing on September 22, 1998 on the proposal following a notice stating an estimate of the principal amount of bonds or other obligations to be issued for the foregoing purposes; and stating that all parties who appear at the public hearing shall have an opportunity to express their views, orally or in writing, with respect to the proposal; and

Whereas, the Obligated Group has agreed to pay any and all costs incurred by the City in connection with the proposed financing whether or not such financing is carried to completion; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the foregoing proposal to issue the Bonds in one or more series in an aggregate principal amount not exceeding \$80,000,000 for one or more of the foregoing purposes (the "Project") is hereby given preliminary approval, subject to final approval of the terms of the bonds and the documents to be entered into in connection with the issuance thereof by this Council and by the purchasers of the Bonds.

Be It Further Resolved that the issuance of one or more series of revenue refunding bonds pursuant to the Act in an aggregate principal amount not to exceed approximately \$80,000,000 to complete the Project is hereby approved, subject to final approval by this Council.

Be It Further Resolved that the Obligated Group, Faegre & Benson LLP as bond counsel, the Mayor, the City Clerk, the Finance Officer, the City Attorney and other city officers, the Executive Director and other Minneapolis Community Development Agency officials and representatives are authorized to initiate the preparation of such documents as may be necessary or desirable for the Project, so that when and if this Council gives its final approval, the Projects may be carried forward expeditiously.

Be It Further Resolved that the Obligated Group is hereby authorized to enter into such contracts, in their own names and not as agents for the City, as may be necessary or desirable for the Project by any means available to them and in the manner they determine without advertisement for bids, but the City shall not be liable on any such contracts; provided that in no event shall the Bonds ever be payable from or charged upon any funds of the City other than amounts payable under loan or other revenue agreement(s) which are to be pledged to the payment thereof; provided further that no holder of the Bonds shall ever have the right to compel the exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce the payment thereof against any property of the City other than the City's

interest in the revenue agreements and any properties pledged by one or more of the Obligated Group or others therefor; provided further that the Bonds shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the loan or revenue agreement or the foregoing properties; and provided that the Bonds do not constitute an indebtedness of the City within the meaning of any constitutional, statutory, or charter limitation.

Be It Further Resolved that this approval of the City Council is given for purposes of the Act and Section 147(f) of the Internal Revenue Code of 1986.

Be It Further Resolved that this resolution shall become effective upon its adoption, approval, and publication.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration the division of the lot at 614 – 29th Ave N, and having conducted a public hearing thereon, now recommends passage of the accompanying resolution approving the division, waiving the requirement of a subdivision plat and directing that a copy of the resolution be attached to the deeds conveying the subdivided parcels.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-375**  
**By Niland**

**Approving the subdivision of a lot at 614-29th Avenue North.**

Whereas, the Minneapolis Community Development Agency (MCDA) has requested

that a parcel of land located at 614-29th Avenue North and legally described as West 33 feet of Lots 6 and 7 and the East 8 feet of Lots 8 and 9, Block 26, Morrison's Addition to North Minneapolis, be subdivided as follows:

**Parcel A:** West 33 feet of Lots 6 and 7, Block 26, Morrison's Addition to North Minneapolis;

**Parcel B:** East 8 feet of Lots 8 and 9, Block 26, Morrison's Addition to North Minneapolis; and

Whereas, the MCDA intends to convey the subdivided parcels listed above to the owners of adjacent properties with the following parcels:

**Parcel A:** (610-29th Avenue North) – East 33 feet of the West 66 feet of Lots 6 and 7, Block 26, Morrison's Addition to North Minneapolis;

**Parcel B:** (618-29th Avenue North) – West 32 feet of the East 40 feet of Lots 8 and 9, Block 26, Morrison's Addition to North Minneapolis; and

Whereas, the proposed subdivision conforms with Minnesota Statutes Section 462.358 and Land Subdivision Regulations adopted by the Minneapolis City Council on July 14, 1995; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on September 10, a public hearing on said subdivision and proposed sale was duly held in a joint meeting of the Community Development Committee of the City Council and the Operating Committee of the MCDA at 5:30 p.m., September 22, 1998, in Room 319, Minneapolis City Hall, 350 South 5th Street, in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the division of the above-described property be approved and the requirement of a subdivision plat be waived.

Be It Further Resolved, that a certified copy of this resolution shall be attached to the deeds conveying the subdivided parcels.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency appropriation in Fund SMN (State Grants Loans) by \$328,444 to enable use of funds received from the Minnesota Housing Finance Agency (MHFA) Community Rehabilitation Lending Program after submittal of the 1998 MCDA budget, and increasing the SMN revenue by \$265,000.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-376**  
**By Niland**

**Amending The 1998 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund SMN – State Grants Loans by \$328,444 and increasing the Fund SMN revenue (3215 MN Grants) estimate by \$265,000.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency appropriation in Fund EED Capital Investment Fund (Federal Home Loan Bank) by \$50,870 to allow the Capital Investment Fund to pay interest expenses to the Federal Home Loan Bank of Des Moines and make mortgage grants to employees of borrowing companies, and increasing the EED revenue by \$53,968.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-377**  
**By Niland**

**Amending The 1998 Minneapolis Community Development Agency Appropriation Resolution.**

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund EED – Capital Investment Fund-Federal Home Loan Bank by \$50,870 and increasing the Fund EED revenue (3680-02 interest on Program loans) estimate by \$53,968.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev** – Your Committee, having under consideration funding for the Rehab Support Program (RSP), now recommends approval of the reallocation of \$400,000 in Year 24 CDBG funds (Fund FBG) from the RSP to the Greater Minneapolis Metropolitan Housing Corporation (GMMHC) Homeownership Program, and \$400,000 in Development Account funds (Fund SDA) from the Century Homes Program to the Rehab Support Program (Petn No 264157).

Your Committee further recommends that this action be referred to the Board of Commissioners of the Minneapolis Community Development Agency.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**Comm Dev & W&M/Budget** – Your Committee recommends that the proper officers of the Minneapolis Community

Development Agency (MCDA) be authorized to apply to the Minnesota Department of Trade and Economic Development for a Redevelopment Grant for the Southeast Minneapolis Industrial Area (SEMI) in the amount of \$730,000, to be used to acquire property needed to construct a portion of the SEMI roadways, stormwater management ponds and wetlands, as set forth in Petn No 264158.

Your Committee further recommends that this action be referred to the Board of Commissioners of the MCDA.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Comm Dev & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to submit the City of Minneapolis application for Federal Empowerment Zone designation to the Department of Housing and Urban Development, by October 9, 1998, and that the City of Minneapolis commit to assist in the implementation of the application Strategic Plan as described in the application (Petr No 264159).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 2, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 6, 1998)

**Comm Dev & W&M/Budget** – Your Committee, having under consideration a status report on the commitment of the Bottineau Neighborhood for the reuse of the Fleischman's Malting Company (ADM) site and the neighborhood's investment of \$200,000 in Minneapolis Community Development Agency Neighborhood Revitalization Program (NRP) matching funds for their NRP Action Plan, now recommends approval of a plan modification which will allow said funds to be used for construction costs to improve a blighted site, to be used by East Side Neighborhood Services, in lieu of said funds being used for acquisition of the site because the site has been donated (Petr No 264160).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **INTERGOVERNMENTAL RELATIONS & TRANSPORTATION & PUBLIC WORKS** Committee submitted the following report:

**IGR & T&PW** – Your Committee, having under consideration City-owned property located in the 4000 and 4100 blocks of France Av S in the cities of Edina and St Louis Park, and further, having information that the West Metro Education Program is considering the property for its proposed Southwest Elementary School, now recommends approval of the following statement:

a) That the Minneapolis Water Works property in the 4000 and 4100 block of France Av S is not available for purchase by the West Metro Education Program for a proposed school or for any other use;

b) That the City has a program to increase the reliability of the City's public water supply and it includes the intent to build a finished water reservoir on the site at 4000 and 4100 France Aves S after completing the City's current reservoir expansion at its facility in New Brighton, in approximately four years;

c) That the City has held this property for use by the Water Works as a finished water reservoir for over 65 years. The reservoir plans for this site are a vital part of the water supply plan for the City's Water Works, which presently serves eight communities and half a million people. The City is currently finishing an expansion of a finished water reservoir on the other side of the system. The France Av reservoir is the next one to be built. The City has a specific plan to build the finished water reservoir on this site in approximately four years to provide an increased emergency supply of potable water to the City of Minneapolis and the other seven communities served by the system. (Petr No 264163)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

**PS&RS** – Your Committee, to whom was referred an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to **Offenses—**

**Miscellaneous: Noise**, adding definitions for residentially used and zoned areas, clarifying various kinds of evening noise activity, adjusting maximum noise levels, and adding prohibited acts, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-099**

**By Biernat, Goodman  
and McDonald**

**Intro & 1st Reading: 9/18/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 15, Chapter 389 of the  
Minneapolis Code of Ordinances relating to  
Offenses—Miscellaneous: Noise.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 389.30 of the above-entitled ordinance be amended by adding definitions in alphabetical sequence to read as follows:

**389.30. Definitions.** The following terms whenever used in this article shall have the following respective meanings:

Residentially used area. Any building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings without regard to their size or location within the city plus any area within five hundred (500) feet of such building or portion thereof which is so used. Residentially used area shall include any mixed use building which contains a dwelling unit as defined in Section 522.40 of this Code plus any area within five hundred (500) feet of such dwelling unit. Residentially used area shall not be established by the locations of buildings which are principally hotels, motels, or rooming houses.

Residentially zoned area. Any property or area which is located in a zoning district intended for any kind of residential use and with an "R" designation of any kind pursuant to the Minneapolis Zoning Code and the associated official zoning map.

Section 2. That Section 389.60 (c) and (d) of the above-entitled ordinance be amended to read as follows:

**389.60. What constitutes violation.**

(c) Any sound in excess of the limits as set forth in Minnesota Rules, Chapter 7030 (1995) provided that such sound is three (3) decibels or more above ambient noise levels for sounds measured between 10:00 p.m. and 6:00 a.m. or five (5) decibels or more above ambient noise levels for sounds measured between 6:00 a.m. and 10:00 p.m.

(d) Sound in excess of the limitations for any noise classification area, as determined pursuant to paragraph (c), as measured in that noise classification area are violative of this section, whether the sound originates in that noise classification area or any other noise classification area. The noise area classification of the receiving noise classification area rather than that of the generating noise classification area determines the appropriate noise area classification for the purposes of this section.

Section 3. That Section 389.70 (a) of the above-entitled ordinance be amended to read as follows:

**389.70. Construction and demolition equipment.** (a) Except as hereinafter provided, no construction or demolition equipment shall be operated within the city between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or during any hours on Saturdays, Sundays and state and federal holidays, except under specific permit from the director of inspections or the city council, for the purpose of a specified construction project only, as provided below and no such equipment shall be operated at any time if the sound level from such operation exceeds ninety (90) decibels measured at fifty (50) feet or more away from the source; provided further, however, that such equipment, the operation of which fully conforms and in the reasonable opinion of the director of inspections or the city council is likely to fully conform to the provisions of Sections 389.50, 389.60, 389.65, 389.90, and 389.100 of this chapter shall be permitted to

operate during the above-prohibited hours and days after obtaining the permit required by this section.

Section 4. That Sections 389.100 (a) (1), (2) and (3) of the above-entitled ordinance be amended to read as follows:

**389.100. Prohibited acts.** (a) The following acts are not allowed in the city and the causing thereof are prohibited:

(1) Intentionally sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle, or similar stationary emergency signaling device except in the following circumstances:

a. Existence of an emergency.

b. Testing the device, not to exceed four (4) minutes in an hourly period, unless approved by the director when there is no reasonable alternative to exceeding four (4) minutes of testing and the testing is required by state or federal laws, rules or regulations.

c. The sounding of a properly maintained car alarm subject to paragraph 6 of this section.

(2) Loading, unloading, opening, closing or other handling of boxes, crates, bottles, containers, building and construction materials and equipment, demolition debris, garbage cans, garbage dumpsters or carts, scrap metal or other metal waste or similar objects outside of an insulated building in a residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m. This shall not prohibit the reasonable and careful handling of garbage carts and recyclables during such hours by residents setting them out for solid waste or recycling collection if the immediately following day is a collection day.

(3) No person shall operate a solid waste compacting vehicle, solid waste processing vehicle, solid waste collection vehicle, or recycling collection vehicle in any residentially zoned and used area between the hours of 10:00 p.m. and 6:00 a.m.

Section 5. That Section 389.120 of the above-entitled ordinance be amended to read as follows:

**389.120. Penalties.** (a) Any person who violates sections 389.60 (a), 389.60 (c), 389.60 (g), 389.65 (a), 389.65 (c)(4), 389.65 (c)(5), or 389.65 (c)(7) shall receive either a verbal or written order to cease or abate the noise immediately or within a reasonable time period specified in the order, except that after 10:00 p.m. and until 6:00 a.m. any person designated

to enforce this chapter need not issue an order to cease or abate the noise before charging any person with a violation of any of these sections. Provided further that no warning shall be required for any violation of 389.60 (a), 389.60 (c), or 389.60 (g) when the activity, sound, or operation producing the sound is primarily created by heaters, air conditioners, fans, machinery, equipment, implements, manufacturing processes, construction processes, demolition processes or primarily created as the result of impact(s) or explosion(s).

(b) If an order to cease or abate the noise is required by subparagraph (a) and not complied with, or is complied with and then violated again within one hundred eighty (180) days of receipt of the verbal or written order to cease or abate the noise required by subparagraph (a), the person or persons responsible for the subject noise may be charged with violation of an appropriate section of this chapter with penalties as provided by section 1.30(a) of this code, except as otherwise specifically provided in this chapter. In all other cases, any violation of this chapter may be immediately charged in the manner provided by law and without any prior order to cease or abate the noise. Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and may be punished separately.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished October 24, 1998)

**PS&RS** – Your Committee, to whom was referred ordinances amending Title 5 of the Minneapolis Code of Ordinances eliminating the requirement for a full basement and replacing with the requirement for an engineer's report, and amending related sections on code compliance requirements for boarded, condemned and moved buildings, now recommends that the following ordinances be given their second reading for amendment and passage:

a. amending Chapter 87 relating to **Building Code: Administration and Enforcement;**



b. amending Chapter 89 relating to  
**Building Code: Permits and Certificates of Occupancy;**

c. amending Chapter 115 relating to  
**Building Code: Building Moving;** and

d. amending Chapter 91 relating to  
**Building Code: Permit Fees.**

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-100**

**By Ostrow**

**Intro & 1st Reading: 8/28/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 5, Chapter 87 of the  
Minneapolis Code of Ordinances relating to  
Building Code: Administration and  
Enforcement.**

The City Council of The City of Minneapolis  
do ordain as follows:

Section 1. That Section 87.220 of the  
above-entitled ordinance be and is hereby  
repealed.

Section 2. That Section 87.250 of the  
above-entitled ordinance be amended to read  
as follows:

**87.250. Inspection.** Upon proper  
application and the payment of the required  
fees, the director of inspections shall cause the  
building to be inspected for safety and  
sanitation with respect to its general  
construction, plumbing, electrical and other  
mechanical installations. The standards for the  
code compliance inspection shall be those  
minimum requirements of the code which are  
applicable to existing buildings. The director of  
inspections or the agent of the director of  
inspections shall be allowed access to all areas  
of the building and its structure, facilities and  
installations. Any areas for which access is  
denied or prevented are presumed to be  
inadequate.

Section 3. That the Minneapolis Code of  
Ordinances be amended by adding thereto a  
new Section 87.265 to read as follows:

**87.265. Temporary certificate.** The  
director of inspections may issue a temporary  
certificate of code compliance prior to

completion of exterior Code requirements  
when completion of exterior Code  
requirements are substantially hindered by  
inclement or seasonal weather. The temporary  
certificate may only be issued upon  
compliance with all interior Code requirements.

Section 4. That Section 87.280 of the  
above-entitled ordinance be amended to read  
as follows:

**87.280. Fee.** The fee for the inspection of  
the building and issuance of the certificate of  
code compliance and temporary certificate of  
code compliance shall be as established and  
set forth in Chapter 91 of this Code.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes,  
President of Council.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-101**

**By Ostrow**

**Intro & 1st Reading: 8/28/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 5, Chapter 89 of the  
Minneapolis Code of Ordinances relating to  
Building Code: Permits and Certificates of  
Occupancy.**

The City Council of The City of  
Minneapolis do ordain as follows:

Section 1. That Section 89.15 of the  
above-entitled ordinance be amended to read  
as follows:

**89.15. Permits for vacant, boarded-up  
and condemned buildings.** No permit shall  
be issued by the director of inspections for  
work to be done on or in a vacant, boarded-up  
building, as that term is defined in Chapter 249  
of this Code, or on or in a condemned building  
whenever such building has been placarded  
and condemned as unfit for human habitation  
due to defects in the structure or its electrical  
or mechanical systems, so recorded in the  
department of inspections, until such time as  
application has been made by the owner of  
such a building for a certificate of code  
compliance, as set out in Chapter 87 of this  
Code. New construction standards of the state  
building code shall apply to any construction,  
alteration, repair or rehabilitation necessitated

by such inspection. As a condition of the issuance of any permits, the applicant must deposit with the director of inspections two thousand dollars (\$2,000.00) in cash or negotiable instrument. Such monies shall be deposited with the city treasurer to be held without interest until such time as said monies are refunded to the applicant or forfeited to the city in the event that a certificate of code compliance is not issued within six (6) months from the date of the code compliance inspection or within the time limitation set out in Chapter 249 of this Code entitled "Vacant Dwelling or Building, nuisance condition." One three-month extension beyond the initial six-month time limitation may be requested by owner if it can be shown that the code compliance work is proceeding expeditiously and is more than fifty (50) per cent complete or if unforeseen conditions have had a significant schedule impact on the completion of the work. In the event the building is restored to habitable condition and a certificate of code compliance is obtained within the time limits set out herein, the two thousand dollar (\$2,000.00) cash deposit shall be refunded to the payee by the Minneapolis city treasurer.

The director of inspections may require the owner to submit a complete structural analysis report of the entire or any part of the building, facilities and installations. The inspection, analysis and report must be conducted by a structural engineer certified by the State of Minnesota. The requirement for a complete structural analysis shall be waived where the code compliance inspection shows the building to be in complete compliance with the requirements of the Code. No permit shall be issued pursuant to this section prior to compliance with the complete structural analysis requirement.

Rehabilitation undertaken by the Minneapolis Community Development Agency or its sponsorship shall be exempt from the requirement for a cash deposit. Further, the rehabilitation of vacant, boarded-up buildings located on lots designated for definite acquisition in an active urban renewal area where tax increment financing is being utilized may, upon approval of the director of inspections, be exempt from the requirement for the cash deposit and the requirement of a code compliance inspection. However, all such

vacant, boarded-up buildings must be in compliance with the provisions of the housing maintenance code prior to their being reoccupied. Notwithstanding the foregoing provisions relating to the permits for vacant, boarded-up and condemned buildings, the following restrictions shall apply: Permits issued for work on buildings which are deemed to be a nuisance condition in accordance with the provisions of Chapter 249 shall not modify, alter or extinguish any obligation or time limitation imposed by any order issued in accordance with procedures set out in Chapter 249 which relates to vacant dwellings or building nuisance conditions.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-102**

**By Ostrow**

**Intro & 1st Reading: 8/28/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 5, Chapter 115 of the Minneapolis Code of Ordinances relating to Building Code: Building Moving.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 115.50 (f) of the above-entitled ordinance be amended to read as follows:

**115.50. Prerequisites to permit.**

(f) Further, no permit shall be issued as herein provided for the moving of any building to a site within the city unless application has also been made by the owner of such building for a certificate of code compliance, as set out in Chapter 87 of this Code, to be performed when the building has been placed on its new site. New construction standards of the state building code shall apply to the construction, alteration, repair or rehabilitation necessitated by such inspection for any building moved to a site within the city. No such building shall be used for human occupancy until the certificate of code compliance relating to that building has been issued.

As a condition of the issuance of any permits, including the permit for moving required by this chapter, the applicant must deposit with the director of inspections two thousand dollars (\$2,000.00) in cash or negotiable instrument. Such monies shall be deposited with the city treasurer to be held without interest until such time as said monies are refunded to the applicant or forfeited to the city in the event that the work required by this subsection and a certificate of code compliance is not issued within six (6) months from the date of the code compliance inspection. One three-month extension beyond the initial six-month time limitation may be requested by the owner if it can be shown that the code compliance work is proceeding expeditiously and is more than fifty (50) percent complete, or if unforeseen conditions have had a significant schedule impact on the completion of the work. In the event the building is restored to habitable condition and a certificate of code compliance is obtained within the time limits set out herein, the two thousand dollar (\$2,000.00) cash deposit shall be refunded to the payee by the Minneapolis city finance officer.

Rehabilitation undertaken by the Minneapolis Community Development Agency or under its sponsorship shall be exempt from the requirement of a cash deposit.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-103**

**By Ostrow**

**Intro & 1st Reading: 8/28/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Section 91.780 to read as follows:

**91.780. Temporary certificate of code compliance.** The fee for any temporary

certificate of code compliance shall be seventy-five dollars (\$75.00) and comply with Section 87.265 of this Code.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, to whom was referred an ordinance amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to **Building Code: In General**, adopting the latest edition of the Minnesota State Building Code, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-104**

**By Biernat**

**Intro & 1st Reading: 8/28/98**

**Ref to: PS&RS**

**2nd Reading: 10/2/98**

**Amending Title 5, Chapter 85 of the Minneapolis Code of Ordinances relating to Building Code: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 85.20 of the above-entitled ordinance be amended to read as follows:

**85.20. State code incorporated.** The Minnesota State Building Code established pursuant to Minnesota Statutes 16B.59 to 16B.75, and amendments thereto, filed with the secretary of state and the commissioner of administration is incorporated in this title as fully as if set forth herein, and shall be in force and effect as the building code of the city. A copy is also on file in the inspections division. The State Building Code includes the following chapters of Minnesota Rules:

(a) 1300 Minnesota State Building Code.

(b) 1301 Building Official Certification.

(c) 1302 State Building Construction Approvals.

(d) 1305 Adoption of the 1997 Uniform Building Code including appendix chapters:

- (1) 3, Division I, Detention and Correctional Facilities.
- (2) 12, Division II, Sound Transmission Control.
- (3) 29, Minimum Plumbing Fixtures.
- (e) 1307 Elevators and Related Devices.
- (f) 1315 Adoption of the 1996 National Electrical Code.
- (g) 1325 Solar Energy Systems.
- (h) 1330 Fallout Shelters.
- (i) 1335 Floodproofing Regulations.
- (j) 1340 Facilities for the Handicapped.
- (k) 1346 Adoption of the 1991 Uniform Mechanical Code.

- (l) 1350 Manufactured Homes.
- (m) 1360 Prefabricated Buildings.
- (n) 1365 Snow Loads.
- (o) 1370 Storm Shelters.
- (p) 4715 Minnesota Plumbing Code.
- (q) 7670, 7672, 7674, 7676, 7678

Minnesota Energy Code.

Further, pursuant to Minnesota Rules Section 1305.0020, Subpart 2, UBC (Uniform Building Code) Appendix Chapter 33 relating to permit requirements for excavation and grading work, is adopted in its entirety, except that the director of inspections may adopt a revised fee schedule and bonding requirements as necessary.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** - Your Committee, having under consideration the application of Graves Hospitality Corporation, dba Downtown Residence Inn, 45 S 8th St, for an On-Sale Liquor, Class E with Sunday Sales License (new business) to expire October 1, 1999, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 2, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 6, 1998)

**PS&RS** – Your Committee, having under consideration the application of Liem Nhon Nguyen, dba Crazy Carrot Juice Bar Inc, 1327 4th St SE, for a Sidewalk Café License (new business) to expire April 1, 1999, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the application of Liem Nhon Nguyen, dba Crazy Carrot Juice Bar Inc, 2947 Hennepin Av S, for a Sidewalk Café License (new business) to expire April 1, 1999, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for liquor, wine and beer licenses:

**Off-Sale Liquor, to expire October 1, 1998**

Zipp's Liquors Inc, dba Zipp's Liquor, 2618 E Franklin Av (regular expansion of premises);

**Off-Sale Liquor, to expire October 1, 1999**

Brothers Greer Inc, dba Witt's Liquors, 27 S 7th St;

Camden Liquors Inc, dba Camden Liquors, 4153-61 Lyndale Av N;

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1998**

International Catering Inc, dba International Catering, 275 Market St (September 17, 1998 from 5:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class A with Sunday Sales, to expire October 1, 1999**

International Catering Inc, dba Atrium Catering, 275 Market St (temporary expansion

of premises, September 12, 1998 from 4:00 p.m. to 11:00 p.m.), Aiken-Gulyard Wedding Reception;

International Catering Inc, dba Atrium Catering, 275 Market St (temporary expansion of premises, September 26, 1998 from 6:00 p.m. to 1:00 a.m.), Dahlstrom-Coughlin Wedding Reception;

Promus Hotels Minneapolis Inc, dba Embassy Suites Hotel, 425 S 7th St;

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 1998**

Minneapolis Aerie #34 FOE, 2507 E 25th St (temporary expansion of premises with temporary outdoor entertainment in parking lot, September 12, 1998 from noon to 6:00 p.m.);

**On-Sale Liquor Class B with Sunday Sales, to expire October 1, 1999**

Medich Enterprises Inc, dba Sparky's Bar & Grill, 2001 University Av SE (temporary expansion of premises with temporary outdoor entertainment, September 26, 1998);

German Restaurants Inc, dba Gasthof Zur Gemutlichkeit, 2300 University Av NE;

**On-Sale Liquor Class E with Sunday Sales, to expire July 1, 1999**

Cuzzy's Inc, dba Cuzzy's Grill & Bar, 507 Washington Av N (temporary expansion of premises with temporary outdoor entertainment in parking lot, September 27, 1998 from 1:00 p.m. to 10:00 p.m.);

**On-Sale Liquor Class E with Sunday Sales, to expire October 1, 1999**

Brandon's 923 Inc, dba 923 Club, 923 Washington Av N;

Lai Wong Inc, dba Red Dragon, 2116 Lyndale Av S;

Chez Inc, dba Tracy's Saloon, 2205-07 E Franklin Av;

**Temporary On Sale Liquor**

Minnesota Food Bank Network, 3585 N Lexington Av #310, Arden Hills (Block E on September 6, 1998 from noon to 10:00 p.m.; licensed facilitator: The Fine Line Music Cafe Inc);

Minneapolis Mounted Patrol, 81 S 9th St #260 (temporary outdoor entertainment on Nicollet Mall between 9th & 12th Sts, September 20, 1998 from noon to 8:00 p.m.; licensed facilitator: Britt's Pub);

Minnesota Opera, 620 N 1st St (temporary entertainment, October 3, 1998 from 6:00 p.m. to 12:00 a.m.; licensed facilitator: Campiello's Inc);

St Paul Jaycees, 332 Minnesota St, St Paul (Calhoun Square, Hennepin & Lake St, September 25, 1998 from 5:30 p.m. to 10:00 p.m.; licensed facilitator: Famous Daves BBQ);

Learning Center, dba Learning Center, 905 4th Av S (Catering event at Theatre De La Lune, October 9, 1998 from 6:30 p.m. to 9:30 p.m.; licensed facilitator: Mintahoe Inc, Perfect Host);

**Off-Sale Beer to expire April 1, 1999**

Hiep Thanh Company, dba Heip Thanh Oriental Grocery Store, 2534 Nicollet Av;

**Temporary On-Sale Beer**

Annunciation Church, 509 W 54th St (75-Year All Class Reunion on September 26, 1998 from 6:30 p.m. to 12:00 a.m.);

Church of the Ascension, 1723 Bryant Av N (fall festival October 11, 1998 from 11:00 a.m. to 4:00 p.m.);

Church of St Philip, 2507 Bryant Av N (church festival October 3, 1998 from 6:00 p.m. to 10:00 p.m.).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for business licenses as per list on file and of record in the Office of the City Clerk under date of October 2, 1998, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 264168):

Place of Amusement Class A; Place of Amusement Class B-1; Building Contractor Class A; Building Contractor Class B; Carnival; Car Wash; Cement Finisher; Check Cashing Facilities; Contractor/Masonry Class A; Contractor/Masonry Class B; Place of Entertainment; Fire Extinguisher Class A; Fire Extinguisher Class B; Confectionery; Food Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Meat Markets; Restaurant; Short-Term Food Permit; Sidewalk Café Permit; Vending Machines; Fuel Dealer; Fuel Dealer – Cash & Carry Only; Gasoline Filling Station; Heating, Air Conditioning, Ventilation Installer Class B; Hotel; Lodging House; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Access Use; Pet Shop; Exhibition Operator; Suntanning Facilities; Swimming

Pools; Tattooing; Taxicab Vehicle; Tradesman – Combination; and Wrecker of Buildings Class B.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles

Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

**Gambling Lawful Exempt**

Allina Health Systems (Park House), 2120 Park Av (raffle December 5, 1998 at Park House);

St Hedwig Church, 129 29th Av NE (raffle November 22, 1998);

Church of St Boniface, 629 NE 2nd St (raffle and pulltabs November 14, 1998);

Church of the Ascension, 1723 Bryant Av N (bingo, raffle, pulltabs October 11, 1998 at Ascension Club Building, 1704 Dupont Av N);

Pillsbury Company, 200 S 6th St (raffle October 1, 1998);

Minneapolis Institute of Arts, 2400 3rd Av S (raffle January 14, 1999);

Our Lady of Victory Catholic Church, 5155 Emerson Av N (bingo & pulltabs November 8, 1998 at Parish Hall, 5140 Fremont Av N);

Our Lady of Victory Catholic Church, 5155 Emerson Av N (raffle, pulltabs October 25, 1998 at Parish Hall, 5140 Fremont Av N).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles

Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the Off-sale Beer, Grocery, Food Manufacturer, Tobacco and Gas Station Licenses held by Nasser Inc, dba Total Mart, 1931 Portland Av, and having received notification from the State of Minnesota Department of Revenue that Total Mart has an outstanding tax liability, now recommends that said licenses be revoked and the licensee immediately discontinue business within the City of Minneapolis until a tax clearance certificate is obtained from the State.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles

Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the On-Sale Liquor Class E with Sunday Sales License held by Mac's Sport Bar and Grill, 301 Central Av SE, and having received Findings of Fact, Conclusions and Recommendations relating to illegal gambling violations, now recommends adoption of the following recommendations, as more fully set forth in said Findings, which are on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee pay a fine of \$1,000 to the City of Minneapolis in two equal payments of \$500 each. Payments will be due and payable 30 and 60 days from the effective date of the TAC agreement;

b. that the licensee develop and implement a written cooperative agreement with De LaSalle High School to identify and report any illegal gambling occurring at Mac's Sport Bar and Grill, and that a copy of said agreement be provided to the Police Department License Investigation Division;

c. that the licensee develop and implement an employee training plan which provides education in the area of Minnesota State Statutes concerning illegal gambling and its consequences, and that a copy of said plan be provided to the Police Department License Investigation Division;

d. that no same or similar violations occur at the premise for one year from the effective date of the TAC agreement.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles

Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee recommends that the proper City Officers be authorized to execute Amendment #1 to Agreement #12276 with Accustaff, Inc, to add an additional \$25,000 of funding and extend the agreement to be effective for the period January 1, 1998 through December 31, 1999, to provide temporary clerical staff for the Department of

Health & Family Support as requested and available, payable from Health Department (010-440-4411).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**PS&RS** – Your Committee, having under consideration the property located at 620 E 24th St which has been determined by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having exercised all provisions of said ordinance and the compliance date having expired, now recommends that the proper City officers be authorized to raze said property legally known as The West 35 Feet of the East 83 Feet of Lots 10 & 11, Block 3, G N Merriams Addition (PID #35-029-24-22-0028), as more fully set forth in the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference:

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

**PS&RS & W&M/Budget** - Your Committee recommends that the proper City Officers be authorized to issue a Request for Proposals for an automated Fire Records Management Information System in order to capture and report on all major Fire Department operations. (Petr No 264169)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 2, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 6, 1998)

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to submit a joint grant application, in conjunction with the Hennepin County Attorney's Office and the Hennepin County Sheriff's Department, to the Minnesota

Department of Children, Families and Learning, Office of Drug Policy and Violence Prevention seeking \$352,000 in federal funds to continue the work of the Multi-Jurisdictional Narcotics Enforcement Task Force for the period January 1, 1999 through December 31, 1999.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Republished November 21, 1998)

**PS&RS & W&M/Budget** – Your Committee recommends that the proper City Officers be authorized to submit a grant application to the Minnesota Department of Children, Families & Learning seeking \$25,303 in prevention and intervention grant funding to be used for collaboration and educational opportunities between the Minneapolis Police Department CCP/SAFE and members of the Somali community.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

**T&PW** – Your Committee, having under consideration a request by residents of the 2000 block of Upton Av S for establishment of a Critical Parking Area on the easterly side of Upton Av S (between 2001 and 2021), and the City Clerk having verified that said petition represents more than 75 percent of the residents of the affected properties meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to **Traffic Code: Parking, Stopping and Standing**, establishing Critical Parking Area #18, a Type "C" Zone, No Parking Anytime Except by Permit, and amending the existing No Parking 10 PM – 6 AM, April 1 – Nov 1 zone to allow for the new critical parking area.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-105**

**By Mead**

**1st & 2nd Readings: 10/2/98**

**Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking Zones:

No. 6668 – Ely side of Upton Av S beg 250 ft Nly of the Nly limit of W 21st St and thence extending Nly to the dead end (Critical Parking Area #18) (No Parking Anytime, Except by Permit).

Section 2. That Section 478.590 of the above-entitled ordinance be amended to change the following No Parking Zone to read:

No. 5060 – Ely side of Upton Av S beg at W 21st St and thence extending 250 ft Nly (No Parking Anytime, Except by Permit).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration plans for a roadway to connect 5th Av S from Washington Av to 2nd St S to improve access between downtown and the riverfront, now recommends approval of Layout No. 7 for said project, as outlined in Petn No 264172 on file in the Office of the City Clerk.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having under consideration a report from the City Engineer indicating possible contract violations by City towing contractor, Shorty's Heavy Duty Wrecker Service, now recommends that the proper City officers be directed to arrange for a staff technical advisory committee hearing at which the matter of cancellation of said contract

will be examined. The hearing will not be held if Shorty's Heavy Duty Wrecker Service agrees to pay a fine of \$40,000 within a time specified by the City.

Your Committee further recommends that even if said fine is paid the City shall retain its right to seek cancellation of the contract upon any criminal conviction of Shorty's Heavy Duty Wrecker Service.

Mead moved that the report be referred back to the Transportation & Public Works Committee. Seconded.

Adopted upon a voice vote.

**T&PW** – Your Committee, having under consideration a report from the Transportation Engineer indicating the need for a comprehensive review of the transportation and parking policy of the Minneapolis school system, now recommends that the Public Works Department be authorized to submit a decision package for consideration in the 1999 budget process requesting funding to secure the services of two consulting firms to conduct a traffic safety and parking study for the Minneapolis school system. The decision package should include the requirement that Special School District #1 pay for half the cost of the study, with a total cost estimate of \$205,000.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW** – Your Committee, having received a presentation on the **Public Works/Minneapolis Park and Recreation Board Service Overlaps Redesign Report** (Petr No 264173) which reviews infrastructure services currently performed by both jurisdictions and contains recommendations on service area changes and identifies five outstanding policy issues, now recommends:

a) That the report be received and staff be directed to return to the City Council for further direction on implementation of the recommendations after the Park and Recreation Board agency completes its current reorganization efforts; and

b) Regarding the policy issue on Storm Sewer Maintenance, that the Minneapolis Park



and Recreation Board be encouraged to appropriate \$100,000 to conduct a survey and analysis of the Park's storm drain system in 1999.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET**

Committee submitted the following reports:

**T&PW & W&M/Budget** – Your Committee recommends acceptance of the low bid meeting specifications received on OP #4940 (Petr No 264174) submitted by Patterson Pump Company, in the amount of \$294,836, for furnishing and delivering two centrifugal pumping units to the Public Works Water Department, all in accordance with City specifications.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (RFP) seeking services related to an Automated Dispatching System to aid in processing requests for marking City owned underground utilities. (Petr No 264175)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**T&PW & W&M/Budget** – Your Committee, having under consideration the New 34 Million Gallon Finished Water Reservoir Project being constructed at the Water Works Hilltop Site in New Brighton and the City's Contract #11931 with VEIT & Company, Inc. for site improvements for the project, now recommends that the proper City officers be authorized to reduce said contract by \$154,917.96 due to changes in the scope of work, for a new contract total of \$4,120,304.04. (Petr No 264175)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**The WAYS & MEANS/BUDGET**

Committee submitted the following reports:

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to execute a contract with Scott Wallace, as the proposed artist for the production of the Armatage Neighborhood Gateway Project.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration City of Minneapolis participation in the 800 Megahertz Regional Radio System, now recommends that appropriate City staff be directed to develop a possible option for the Police Department only, which would include, but not be limited to, a budget breakdown and impact analysis, and to further evaluate options that would provide for transition to 800 megahertz for all departments (over time), minimizing the impact on the annual operating budget.

Adopted. Yeas, 12; Nays none.

Absent – McDonald.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the following institutions for City of Minneapolis depository designation, for the period from October 1, 1998 through September 30, 2000: a) Bank Windsor; b) First National Bank of the Lakes; c) Firststar Bank; d) Franklin National Bank; e) Marquette Bank NA; f) National City Bank; g) Northeast State Bank; h) Norwest Bank; i) Riverside Bank; j) Twin City Federal Bank; k) US Bank; l) Western Bank; and m) Federal Home Loan Bank of Des Moines, Iowa.

Your Committee further recommends that appropriate City staff be directed to report back to the Ways and Means/Budget Committee with

options for enhancing the City's relationship with smaller community banks, weighting outstanding performance and minimizing administrative costs.

Minn moved to amend the report to direct Finance staff to prioritize the deposits which had security notes and cash position of the City of Minneapolis to be placed in institutions that are rated outstanding under Community Reinvestment Act standards. Seconded.

Minn moved a substitute motion that the report be referred back to the Ways & Means/Budget Committee and directed staff to provide a report relating to prioritizing deposits which had security notes and cash position of the City of Minneapolis to be placed in institutions that are rated outstanding under Community Reinvestment Act standards. Seconded.

Adopted upon a voice vote.

**W&M/Budget** – Your Committee, having previously directed appropriate City staff to establish an inter-jurisdictional team to review existing contracts with the People of Phillips, to evaluate possibilities for recovering associated costs, to review existing processes relating to administrative contracts, and to provide findings in a report to the Ways & Means/Budget Committee, now recommends the following:

1) That appropriate staff be directed to proceed with specific recommendations outlined in Section V of said report;

2) That said report be referred to the Permanent Review Committee for their consideration; and

3) That said report be referred to the Neighborhood Revitalization Program (NRP) Policy Board for their consideration.

Adopted. Yeas, 11; Nays, 1 as follows:

Yeas – Biernat, Niland, Goodman, Colvin Roy, Herron, Mead, McDonald, Thurber, Ostrow, Campbell, Cherryhomes.

Nays – Minn.

Absent – Johnson.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying Resolution authorizing the Board of Estimate and Taxation to issue and sell General

Obligation Refunding Bonds and to approve swap agreement.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

## **RESOLUTION 98R-378**

**By Campbell**

**Authorizing the Board of Estimate and Taxation to issue and sell General Obligation Refunding Bonds and to approve swap agreement.**

Resolved by The City Council of The City of Minneapolis:

1) The City's outstanding indebtedness includes its Improvement Bonds, dated June 1, 1992 in the outstanding principal amount of \$2,190,000 (the "1992 Improvement Bonds"), its Various Purpose Bonds, dated June 1, 1992 in the outstanding principal amount of \$13,490,000 (the "Series 1992 Various Purpose Bonds"), its General Obligation Various Purpose Bonds, Series 1995B, dated July 6, 1995 (capital appreciation bonds) (the "Series 1995B Various Purpose Bonds") and its General Obligation Parking Bonds, dated August 15, 1992 in the outstanding principal amount of \$30,400,000 (the "Federal Courts Bonds"). The City is authorized by Minnesota Statutes, Section 475.67 to issue refunding bonds to refund all or any portion of the 1992 Improvement Bonds, the Series 1992 Various Purpose Bonds, the Series 1995B Various Purpose Bonds and the Federal Courts Bonds (together, the "Bonds") to achieve an interest cost savings, subject to the three percent present value savings requirement of Section 475.67. The City also has authority to issue either fixed or variable rate obligations and, under Section 475.54, Subd. 16, authority to enter into interest rate swap agreements.

2) Pursuant to Minnesota Statutes, Section 475.60 and the City Charter, the Council hereby authorizes and requests the Board of Estimate and Taxation to issue and sell General Obligation Bonds of the City in such amount as is necessary to refund all or any portion of the Bonds, subject to the limitations of Section 475.67. The refunding bonds may be

fixed rate or variable rate bonds, but if variable rate bonds, the City shall enter into an interest rate swap agreement in a similar amount upon such terms and conditions as the Board of Estimate and Taxation may deem appropriate. The refunding bonds shall be sold by the Board of Estimate and Taxation in such manner as it deems appropriate.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration a diversity plan for the City of Minneapolis, including a new vision for the City's Affirmative Action Management Division, now recommends approval of *A New Thrust for the Affirmative Action Program of the City of Minneapolis*, which emphasizes the need for a strong organizational commitment to diversity that goes beyond supporting equality in the abstract and recommends improvements and additions to the functions assigned to the division.

Your Committee further recommends that the Director of Human Resources implement the thirty-six recommendations relating to the areas shown as *Leadership and Administration, Recruiting and Hiring, Retention and Development, and Climate*.

Your Committee further recommends that appropriate City staff be directed to report back to the Ways & Means/Budget Committee with implementation options on each of the points recommended for policy analysis and recommendations for those which can be implemented during the 1999 budget process.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval to assign specific additional duties and expanded authority to the Director of Affirmative Action, including significantly more decision-making authority and staff supervision, as recommended in the redesign proposal, resulting in a new title and grade.

Your Committee further recommends approval to appoint Timothy Giles to the new position of Director of Employer/Employee Relations, to be paid at the top step of the new salary schedule, effective October 5, 1998, as approved by the Executive Committee on September 16, 1998.

Your Committee further recommends approval of the following unclassified positions and salary ranges:

a) Director of Affirmative Action and Staffing, Grade 13, salary range from \$69,919 – \$77,279; and

b) Director of Employer/Employee Relations, Grade 14, salary range from \$78,400 – \$86,652.

Your Committee further recommends passage of the accompanying amendment to the Salary Ordinance setting the salary for said positions, based on studies conducted by the Department of Human Resources.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-106, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, providing for salary adjustments for the position of Director of Affirmative Action and Staffing and the position of Director of Employer/Employee Relations, based on studies conducted by the Department of Human Resources, was passed October 2, 1998 by the City Council and approved October 8, 1998 by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-106**  
**By Campbell**  
**1<sup>st</sup> & 2<sup>nd</sup> Readings: 10/2/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (Annual):

Appointed Officials (CAP)

Effective October 5, 1998

	<b>Start</b>	<b>After 1 Year</b>	<b>After 3 Years</b>	<b>After 6 Years</b>
Director of Employer-Employee Relations	\$78,400	\$82,526	85,002	86,652
Director of Affirmative Action and Staffing	69,919	\$73,599	75,807	77,279

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (Annual):

Appointed Officials (CAP)

Effective January 1, 1999

	<b>Start</b>	<b>After 1 Year</b>	<b>After 3 Years</b>	<b>After 6 Years</b>
Director of Employer-Employee Relations	\$80,193	84,414	86,946	88,635
Director of Affirmative Action and Staffing	\$71,518	75,282	77,540	79,046

Section 3 That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes (Annual):

Appointed Officials (CAP)

Effective January 1, 2000 (a)

	<b>Start</b>	<b>After 1 Year</b>	<b>After 3 Years</b>	<b>After 6 Years</b>
Director of Employer-Employee Relations	\$82,198	86,524	89,120	90,850
Director of Affirmative Action and Staffing	\$73,306	77,164	79,479	81,022

Appointed Officials (CAP)

Effective January 1, 2000 (b)

	<b>Start</b>	<b>After 1 Year</b>	<b>After 3 Years</b>	<b>After 6 Years</b>
Director of Employer-Employee Relations	\$82,599	86,946	89,554	91,293
Director of Affirmative Action and Staffing	\$73,664	77,541	79,867	81,418

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee, having under consideration the 1999 contract renewal for the City's Health Maintenance Organizations (HMOs), now recommends approval of the following contract proposals:

1) Renew HealthPartners Classic and HealthPartners Choice plans at a maximum increase of 9.5% for the second year of the existing three-year agreement;

2) Renew the Medica Choice Classic standard benefit schedule, with the proposed 9.7% rate increase for the 1999 plan year; and

3) Renew Medicare + HMO Senior Plans with HealthPartners and Medica for retirees and family members over the age of 65. (Plans are community-rated, based on Medicare payments to the plan established by federal Health Care Finance Administration, and are not negotiable.)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget -** Your Committee recommends that the following lawsuit filed against the City be settled and be payable to:

Demarco Blue and Kenneth U. Udoibok, his attorney, in the amount of \$17,000, payable from 690-150-1500-4000.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 10, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 24, 1998)

**W&M/Budget –** Your Committee recommends subrogation payment to the Farmers Insurance Group for property damage resulting from an accident involving Candace Soukup and a Sanitation Department employee, said payment pursuant to Minnesota Statutes 65B.54 (relating to “no-fault”), in the amount of \$5,281.89, payable from 6900-150-1500-6640.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget –** Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals (as reviewed and approved by the Permanent Review Committee) for legal courier services and court reporting services for the City Attorney’s Office.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget –** Your Committee, having under consideration a resolution setting the terms for the Greyhound/Jefferson Project Bonds and authorizing the Board of Estimate and Taxation to issue the bonds, now recommends passage of the accompanying Resolution determining to exercise port authority powers for the Greyhound/Jefferson Ramp, designating targeted area and authorizing sale, and providing form, terms, pledge of parking ramp revenues and findings, covenants and directions relating to \$19,200,000 General Obligation Parking Ramp Bonds, Series 1998 of the City of Minneapolis.

Your Committee further recommends summary publication of the above-described Resolution.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-379, authorizing issuance of General Obligation Parking Revenue Bonds, in an amount not to exceed \$19,200,000, pursuant to the City’s port authority powers, was passed October 2, 1998 by the City Council and approved October 8, 1998, by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-379  
By Campbell**

**Determining to exercise port authority powers for Greyhound/Jefferson Ramp, designating targeted area and authorizing sale and providing form, terms, pledge of parking ramp revenues and findings, covenants and directions relating to \$19,200,000 General Obligation Parking Ramp Bonds, Series 1998 of the City of Minneapolis**

Resolved by The City Council of The City of Minneapolis:

**SECTION 1. AUTHORIZATION, FINDINGS AND DEFINITIONS**

**1.01. Background.** The City purposes to construct and equip a parking garage adjacent to the 7<sup>th</sup> Street ramp currently operated by the City. Because construction of the ramp will require acquisition of the site of the existing intercity bus terminal, the City will construct on the first level of the ramp a shell for a new bus terminal which is to be leased to a private operator for use as a bus terminal. Construction of the parking garage and terminal (the "Project") is hereby determined to be necessary and expedient to promote economic development of the City.

**1.02. Exercise of Port Authority Powers.** Pursuant to Minnesota Statutes, Section 469.078, Chapter 595, Minnesota Laws of 1980, and Section 422.110, Minneapolis Code of Ordinances, the City, acting through this Council, is authorized to exercise the powers of a port authority under Minnesota Statutes, 469.048 to 469.068 (the "Port Authority Law"). The Port Authority Law permits, at Section 469.055, Subd. 6, the construction of terminals and other transportation facilities and, at section 469.059, Subd. 16 in connection with areas designated as industrial development districts, the ownership and operation of parking facilities. The Port Authority Law also permits port authorities to issue bonds in anticipation of income from any source to pay for acquired property and other development district purposes. Pursuant to Minnesota Statutes, Section 469.060 the bonds may pledge the full faith and credit of the City without a referendum. This Council shall adopt an ordinance to evidence its permission as contemplated by Minnesota Statutes, Section 469.060. This Council hereby determines to exercise the powers of a port authority under the Port Authority Law in connection with the acquisition, construction and financing of the Project.

**1.03. Targeted Neighborhood Designation.** Minnesota Statutes, Section 469.205, Subd. 1, provides that an area which is a targeted area is considered to be an industrial development district for purposes of the Port Authority Law. For this purpose a "targeted neighborhood" means a census tract

or tracts determined by the Council to meet the criteria of Minnesota Statutes, 469.202, Subd. 2. It is hereby found and determined that, for Census Tract No. 44 under the 1980 federal census, the unemployment rate was 14.4% and median household income was \$6,591. For the metropolitan area the unemployment rate was 4.5% and median family income was \$20,023. Census Tract No. 44 is hereby designated as a targeted area because it meets the eligibility requirements of Minnesota Statutes, Section 469.202, Subd. 2, clauses (a) and (b). As a result of such designation the City may utilize the powers of a port authority with respect to the Project.

**1.04. Definitions.** Unless the context otherwise requires, the terms defined in this Section 1.03 shall, for all purposes of this Bond Resolution and any resolution supplemental hereto, have the meanings herein specified, such definitions to be equally applicable to both the singular and plural forms of any of the terms defined:

"Act" means Minnesota Statutes, Sections 469.048 to 469.068, as amended from time to time.

"Gross Revenues" or "Revenues" shall mean all moneys or proceeds from or properly attributable to the rates, charges, rents and receipts collected by the City for the availability, use, lease or benefit of the Parking Ramp System, its products or by-products, but do not include any investment earnings or other revenues not directly derived from or attributable to the Parking Ramp System.

"Holder", "Bondholder" or "owner" means the person in whose name a Bond is registered.

"Internal Revenue Code" means the Internal Revenue Code of 1986, and amendments thereto.

"Letter of Representations" means the Blanket Letter of Representations from the City to Depository Trust Company, New York, New York.

"Net Revenues" shall mean the Gross Revenues less Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" shall mean and include salaries and wages of City employees spending all or substantially all of their time operating or servicing the Parking Ramp System; such portion of the salaries and wages of other City employees as may be

directly proportional to the time necessarily expended by them servicing the Parking Ramp System including collection of charges, repairing or maintaining or protecting off-street parking facilities which are part of the Parking Ramp System and accounting for revenues; fees and expenses incurred in the payment of principal or interest on the Bonds, or in the preparation and publication of notices and reports to holders of the Bonds, the cost of insurance, fidelity bonds and other protection of the revenues or property of the Parking Ramp System; all expenses for repairs and upkeep (including both material and labor) of the Parking Ramp System; public utility services furnished to the Parking Ramp System, and all other expenses which, under requirements of law or sound accounting practices, are properly chargeable to operation, repair, administration and maintenance of the Parking Ramp System.

"Parking Ramp System" or "System" means the parking garages owned or operated by the City, less any such facilities which may be sold or otherwise disposed of, abandoned or used for another purpose.

"Series 1998 Bonds" or "Bonds" means the General Obligation Parking Ramp Bonds, Series 1998, authorized by this Bond Resolution.

## **SECTION 2. TERMS AND FORM OF BONDS.**

**2.01. Series 1998 Bond Terms.** It is determined to be necessary and expedient to issue the Bonds to finance part of the costs of the Project. The Bonds shall be dated November 1, 1998, or such later date as the Finance Officer may determine, shall be in the aggregate principal amount of not to exceed \$19,200,000, shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be numbered from R1 upwards in order of issuance or such other order as the Bond Registrar may determine. The Bonds shall bear interest at the rates per annum approved by the Finance Officer and Board of Estimate and Taxation in connection with the sale thereof not to exceed an average rate of 5.50% per annum, payable on June 1, 1999 and semiannually thereafter on June 1 and December 1 of each year from the date of the Bonds or the most recent interest payment date to which interest has been paid or duly provided for, computed on the basis of a 360-day year of twelve 30-day months. The

maturities of the Bonds meet the requirements of Minnesota Statutes, Section 475.54, Subd. 17, and in any event meet the requirements of Minnesota Statutes 475.54, Subd. 1 when combined with other general obligations of the City. The Bonds shall mature in the maximum amounts on December 1 of each of the years as follows:

<b>Year</b>	<b>Amount</b>	<b>Year</b>	<b>Amount</b>
2014	\$800,000	2021	\$1,550,000
2015	900,000	2022	1,675,000
2016	1,000,000	2023	1,825,000
2017	1,075,000	2024	1,975,000
2018	1,200,000	2025	2,150,000
2019	1,300,000	2026	2,325,000
2020	1,425,000		

All Bonds are subject to redemption and prior payment in whole or in part at the option of the City on December 1, 2008 and any date thereafter at par plus accrued interest to the redemption date.

Thirty days prior to the redemption date, notice of any such redemption shall be given by mail to the banks where the Bonds are payable and to the registered owners, in accordance with Chapter 475, Minnesota Statutes. In the event of partial redemption by lot of Bonds, the Bond Registrar shall assign to each Bond then outstanding a distinctive number for each \$5,000 of the principal amount of such Bonds and shall select by lot in the manner it determines the order of numbers, at \$5,000 for each number, for all outstanding Bonds of the maturity to be redeemed. The order of selection of Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected, but only so much of the principal amount of each Bond of a denomination of more than \$5,000 shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected. Upon partial redemption of any Bond, the same shall be surrendered in exchange for one or more new Bonds in authorized form for the unredeemed portion of principal.

**2.02. Method of Payment; Registrar and Paying Agent.** The Bonds shall be payable as to principal upon presentation and surrender thereof at the office of the Finance Officer, in Minneapolis, Minnesota, as initial Registrar and Paying Agent, or at the offices of such other successor agents as the City may hereafter

designate upon 60 days' mailed notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, or at the direction of the Finance Officer, the payment of at least \$100,000 in principal amount of Bonds shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender of such Bonds at the office of the Paying Agent. Interest shall be paid by check or draft mailed to the registered owners of record as of the fifteenth day (whether or not a business day) of the month next preceding the applicable interest payment date at their addresses shown on the registration books or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of Bonds or at the direction of the Finance Officer, by wire transfer of immediately available funds to any bank in the continental United States as the registered owner may specify.

**2.03. Bond Form.** The Bonds shall be in substantially the following form, which may be printed on the face or on the back or partially on the face or back, with the necessary variations as to number, CUSIP Number, denomination, rate of interest and date of maturity, the blanks therein to be properly filled in, to-wit:  
(Form of Series 1998 Bond)

UNITED STATES OF AMERICA  
STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF MINNEAPOLIS

No. R- \_\_\_\_\_ \$ \_\_\_\_\_

GENERAL OBLIGATION PARKING RAMP BOND, SERIES 1998

<u>Interest Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner:

Principal Amount:

The City of Minneapolis, in the County of Hennepin and State of Minnesota, for value received, hereby certifies that it is indebted and hereby promises to pay to the registered owner named above or registered assigns, the principal amount specified above on the maturity date specified above, upon the presentation and surrender hereof, and to pay to the registered owner hereof interest on such principal sum at the interest rate specified above from November 1, 1998, or the most recent interest payment date to which interest has been paid or duly provided for as specified below, on June 1 and December 1 of each year, commencing June 1, 1999, until said principal sum is paid. Interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. Principal and the redemption price is payable in lawful money of the United States of America at the office of the Finance Officer in Minneapolis, Minnesota, as Registrar and Paying Agent, or at the office of such successor agents as the City may designate upon 60 days' notice to the registered owners at their registered addresses. At the written request of the registered owner thereof, payment of at least \$100,000 in principal amount of Bonds of this series shall be made by wire transfer of immediately available funds to any bank in the continental United States upon presentation and surrender thereof. Interest shall be paid on each June 1 and December 1 interest payment date by check or draft mailed to the person in whose name this Bond is registered at the close of business on the preceding May 15 and November 15 (whether or not a business day) at the registered owner's address set forth on the registration books maintained by the Bond Registrar or, at the written request of a registered owner of at least \$1,000,000 in aggregate principal amount of the Bonds of this series, by wire transfer of immediately available funds to any bank in the continental United States. Any such interest not punctually paid or provided for will cease to be payable to the person in whose name this Bond is registered on such regular record dates and such defaulted interest may be paid to the person in



whose name this Bond shall be registered at the close of business on a special record date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is one of a series of Bonds in the aggregate principal amount of Nineteen Million Two Hundred Thousand Dollars (\$19,200,000), all of like date and tenor except for number, interest rate, denomination date of maturity and redemption privilege, and is issued pursuant to and in accordance with Sections 469.048 to 469.068 (the "Act") and Minnesota Statutes, for the purpose of providing part of the funds to acquire land and construct, furnish and equip a municipal parking ramp and certain related facilities, all as set forth and described in Resolution No. \_\_\_\_\_ of the City Council relating to the issuance of the Bonds of this series adopted October 2, 1998 (the "Bond Resolution").

The Bonds of this series are payable primarily from collections of certain parking ramp net revenues which have been pledged to the Debt Service Account by the Bond Resolution subordinate to existing and future pledges; but the full faith and credit of the City of Minneapolis has been and is hereby pledged to the full and prompt payment of the principal of and interest on the Bonds, and the City Council is obligated to levy ad valorem taxes on all taxable property in the City without limitation as to rate or amount, if necessary, to pay principal and interest when due.

Reference is hereby made to the Act and to the Bond Resolution for a description of the parking ramp net revenues pledged to the Bonds of this series. Reference is hereby made to the Act and to the Bond Resolution for a description of the nature of the security thereby created, the rights and limitation of the rights of the City and bondholders with respect thereto, and covenants of the City as to the application of the proceeds of the Bonds of this series and the moneys pledged to the payment of the Bonds and interest thereon.

All Bonds are subject to redemption at the option of the City, in whole or in part in such order as the City may determine, on December 1, 2008 and any date thereafter at par plus accrued interest to the redemption date. Thirty days' notice of prior redemption will be given by mail to registered owners in the manner provided by Chapter 475, Minnesota Statutes.

This Bond is transferable, as provided in the Bond Resolution, only upon books of the City kept at the office of the Bond Registrar by the registered owner hereof in person or by the registered owner's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the registered owner hereof or the registered owner's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more fully registered Bonds of the series of the same principal amount, maturity and interest rate will be issued to the designated transferee or transferees.

The Bonds of this series are issuable only as fully registered bonds without coupons in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount maturing in any one year. As provided in the Bond Resolution and subject to certain limitations therein set forth, the Bonds of this series are exchangeable for a like aggregate principal amount of Bonds of this series of different authorized denominations, as requested by the registered owner or the registered owner's duly authorized attorney, upon surrender thereof to the Bond Registrar.

It is Hereby Certified, Recited and Declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of this Bond do exist, have happened and have been performed in regular and due time, form and manner as required by law; and that this Bond, and the series of which it is a part, is within every applicable debt and other limit prescribed by the Constitution and laws of the State of Minnesota and the Charter of the City of Minneapolis.

This Bond shall not be valid or become obligatory for any purpose until the Registration and Authentication Certificate hereon shall have been signed by the Bond Registrar.

In Witness Whereof, the said City of Minneapolis, acting by and through its City Council, has caused this Bond to be executed with the facsimile signature of its Mayor, countersigned by the facsimile signature of the Finance Officer, and attested with the facsimile signature of the City

Clerk, and a facsimile of the corporate seal of said City to be imprinted hereon, all as of the Date of Original Issue specified above.

Dated: \_\_\_\_\_

CITY OF MINNEAPOLIS

By:

(Facsimile)  
Mayor

(Seal)

Attest:

(Facsimile)  
City Clerk

Countersigned:

By:

(Facsimile)  
Finance Officer

Bond Registrar's Registration and Authentication Certificate

This is one of the Bonds described in the within mentioned Bond Resolution and has been registered as to principal and interest in the name of the Registered Owner identified above on the registration books of the Finance Officer of the City of Minneapolis.

\_\_\_\_\_  
Finance Officer,  
as Bond Registrar

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_  
(Please Print or Typewrite Name and Address of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Please Insert Social Security Number or Other  
Identifying Number of Assignee.

\_\_\_\_\_  
Notice: The signature to this assignment must correspond with the name as it appears on the face of this Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

\_\_\_\_\_  
Signatures must be guaranteed by  
a national bank or trust company  
or by a brokerage firm which is  
a member of a major stock exchange.

**2.04. Registration.** As long as any of the Bonds issued hereunder shall remain outstanding, the City shall maintain and keep at the office of the Bond Registrar an office or agency for the

payment of the principal of and interest on such Bonds, as in this Bond Resolution provided, and for the registration and transfer of such Bonds, and shall also keep at said office of the Bond Registrar books for such registration and transfer. Upon surrender for transfer of any Bond at the office of a Bond Registrar with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the registered owner's duly authorized attorney, and upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, the City shall execute and the Bond Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more fully registered Bonds of the same series, of any authorized denominations and of a like aggregate principal amount, interest rate and maturity. Any Bonds, upon surrender thereof at the office of the Bond Registrar may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity and interest rate of any authorized denominations. In all cases in which the privilege of exchanging Bonds or transferring fully registered Bonds is exercised, the City shall execute and the Bond Registrar shall deliver Bonds in accordance with the provisions of this Bond Resolution. For every such exchange or transfer of Bonds, whether temporary or definitive, the City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. Notwithstanding any other provision of this Bond Resolution, the cost of preparing each new Bond upon each exchange or transfer, and any other expenses of the City or the Bond Registrar incurred in connection therewith (except any applicable tax, fee or other governmental charge) shall be paid by the City. The City and the Bond Registrar shall not be required to make any transfer or exchange of any Bonds called for redemption, nor be obligated to make any such exchange or transfer of Bonds during the fifteen (15) days next preceding the date of the first publication or the mailing (if there is no

publication) of notice of redemption in the case of a proposed redemption of Bonds.

**2.05. Record Dates.** Interest on any Bond which is payable, and is punctually paid or duly provided for, on any interest payment date shall be paid to the person in whose name that Bond (or one or more Bonds for which such bond was exchanged) is registered at the close of business on the 15th day of the preceding month. Any interest on any Bond which is payable, but is not punctually paid or duly provided for, on any interest payment date shall forthwith cease to be payable to the registered holder on the relevant regular record date solely by virtue of such holder having been such holder; and such defaulted interest may be paid by the City in any lawful manner, if, after notice given by the City to the Bond Registrar of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable by the Bond Registrar. Such payments shall then be made to the persons in whose names the Bonds are registered at the close of business on a special record date established by the Bond Registrar. Subject to the foregoing provisions of this paragraph, each Bond delivered under this Bond Resolution upon transfer of or in exchange for or in lieu of any other Bond shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond and each such Bond shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

**2.06. Bonds Mutilated, Destroyed, Stolen or Lost.** In case any Bond shall become mutilated or be destroyed, stolen or lost, the City shall execute and the Bond Registrar shall authenticate and deliver a new Bond of like maturity and principal amount as the Bond so mutilated, destroyed, stolen or lost, in exchange and substitution for such mutilated Bond, upon surrender and cancellation of such mutilated Bond, or in lieu of and substitution for the Bond destroyed, stolen or lost, upon filing with the City evidence satisfactory to the City and the Bond Registrar that such Bond has been destroyed, stolen or lost and proof of ownership thereof, and upon furnishing the City and the Bond Registrar with indemnity satisfactory to them and complying with such other reasonable regulations as the City and the Bond Registrar may prescribe and

paying such expenses as the City and the Bond Registrar may incur in connection therewith. All Bonds so surrendered to the Bond Registrar shall be cancelled by it and evidence of such cancellation shall be given to the City.

**2.07. Owners.** As to any Bond, the City and the Bond Registrar and their respective successors, each in its discretion, may deem and treat the person in whose name the same for the time being shall be registered as the absolute owner thereof for all purposes and neither the City nor the Bond Registrar nor their respective successors shall be affected by any notice to the contrary. Payment of or on account of the principal of any such Bond shall be made only to or upon the order of the registered owner thereof, but such registration may be changed as above provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

**2.08. Use of Securities Depository; Book-Entry Only System.** The provisions of this Section shall take precedence over the provisions of Sections 2.01 through 2.07 hereof to the extent they are inconsistent therewith.

(a) The Depository Trust Company ("DTC") has agreed to act as securities depository for the Bonds, and to provide a Book-Entry Only System for registering the ownership interests of the financial institutions for which it holds the Bonds (the "DTC Participants"), and for distributing to such DTC Participants such amount of the principal and interest payments on the Bonds as they are entitled to receive, for redistribution to the beneficial owners of the Bonds as reflected in their records (the "Beneficial Owners").

(b) Initially, and so long as DTC or another qualified entity continues to act as securities depository, the Bonds shall be issued in typewritten form, one for each maturity in a principal amount equal to the aggregate principal amount of each maturity, shall be registered in the name of the securities depository or its nominee, and shall be subject to the provisions of this Section. While DTC is acting as the securities depository, the Bonds shall be registered in the name of DTC's nominee, CEDE & CO; provided that upon delivery by DTC to the City and the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in

place of CEDE & CO., the words "CEDE & CO." in this Resolution shall refer to such new nominee of DTC.

With respect to Bonds registered in the name of a securities depository or its nominee, the City and the Registrar shall have no responsibility or obligation to any DTC Participant or other person with respect to the following: (1) the accuracy of the records of any securities depository or its nominee with respect to any ownership interest in the Bonds, (ii) the delivery to any DTC Participant or other person or any other person, other than DTC, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than DTC, of any amount with respect to the principal of or interest on the Bonds. The Registrar shall pay all principal of and interest on the Bonds only to or upon the order of DTC, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal and interest on the Bonds to the extent of the sum or sums so paid. So long as the Book-Entry Only System described in this Section is in effect, no person other than DTC shall receive an authenticated Bond.

(c) Upon receipt by the City and the Registrar of written notice from the securities depository to the effect that it is unable or unwilling to discharge its responsibilities under the Book-Entry Only System, the Registrar shall issue, transfer and exchange Bonds of the initial series as requested by the securities depository in appropriate amounts, and whenever the securities depository requests the City and the Registrar to do so, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice (i) to arrange for a substitute depository willing and able, upon reasonable and customary terms, to maintain custody of the Bonds, or (ii) to make available Bonds registered in whatever name or names the Beneficial Owner registering ownership, transferring or exchanging such Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(d) In the event the City determines that it is in the best interests of the Beneficial Owners that they be able to obtain printed Bonds, the City may so notify the securities depository and the Registrar, whereupon the securities

depository shall notify the Beneficial Owners of the availability through the securities depository of such printed Bonds. In such event, the City shall cause to be prepared and the Registrar shall issue, transfer and exchange printed Bonds, fully executed and authenticated, as requested by the securities depository in appropriate amounts and, whenever the securities depository requests, the City and the Registrar shall cooperate with the securities depository in taking appropriate action after reasonable notice to make available printed Bonds registered on the Bond Register in whatever name or names the Beneficial Owners entitled to receive Bonds shall designate, in accordance with clause (f) or clause (g) below, whichever is applicable.

(e) Notwithstanding any other provisions of this Resolution to the contrary, so long as any Bond is registered in the name of a securities depository or its nominee, all payments of principal and interest on the Bond and all notices with respect to the Bond shall be made and given, respectively, to the securities depository as provided in the representation letter given to it by the City. The Letter of Representation is confirmed and shall apply to the Bonds.

(f) In the event that the Book-Entry Only System established pursuant to this Section is discontinued, except as provided in clause (g), the Bonds shall be issued through the securities depository to the Beneficial Owners.

(g) In the event of termination of the Book-Entry Only System, the City shall have the right to terminate, and shall take all steps necessary to terminate, all arrangements with the securities depository described herein, and thereafter shall issue, register ownership of, transfer and exchange all Bonds as provided herein. Upon receipt by the securities depository of notice from the City, the securities depository shall take all actions necessary to assist the City and the Registrar in terminating all arrangements for the issuance of documents evidencing ownership interests in the Bonds through the securities depository. Nothing herein shall affect the securities depository's rights under clause (e) above.

### **SECTION 3. EXECUTION AND DELIVERY OF BONDS AND OTHER DOCUMENTS**

**3.01. Method of Sale.** Authority to sell the Bonds is hereby delegated to the Board of

Estimate and Taxation under Minnesota Statutes, Section 475.60; provided the Bonds shall be sold only at a price of not less than 98% of the principal amount and the Bonds shall bear interest at the rates specified by the successful proposal, not to exceed an average rate of 5.50% per annum.

**3.02. Bonds.** The Bonds shall be executed by the respective facsimile signatures of the Mayor, Finance Officer and City Clerk and facsimile of the corporate seal of the City as set forth in the form of Bond. The text of the approving legal opinion of Faegre & Benson LLP, of Minneapolis, Minnesota, as bond counsel, may be printed on the reverse side of each Bond and, if so printed, shall be certified by the facsimile signature of the Finance Officer. When said Bonds shall have been duly executed and authenticated by the Registrar in accordance with this Resolution, the same shall be delivered to the purchasers in accordance with the terms of the sale upon payment of the purchase price, and the receipt of the Finance Officer to said purchasers thereof shall be a full acquittance; and said purchasers shall not be bound to see to the application of the purchase money. The Bonds shall not be valid for any purpose until authenticated by the Bond Registrar, which is hereby appointed authenticating agent in accordance with Chapter 475, Minnesota Statutes.

**3.03. Official Statement.** The Finance Officer shall cause an Official Statement relating to the Bonds to be prepared, and the use thereof by the purchasers is approved.

**3.04. Certificates.** If such officer finds the same to be accurate, the Finance Officer is authorized and directed to furnish to the purchasers at the closing (i) a certificate that, to the best of the knowledge of such officer, the Official Statement does not, at the date of closing, and did not, as of its date, contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they were made, not misleading and (ii) such other certificates as are required as a condition of sale, including a Continuing Disclosure Certificate substantially in the form presented to this Council. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing, the

Mayor, City Clerk and Finance Officer shall also execute and deliver to the purchasers a suitable certificate as to absence of material litigation, and the Finance Officer shall also execute and deliver this certificate as to payment for and delivery of the Bonds, together with an arbitrage certificate meeting the requirements of the arbitrage regulations under Section 148 of the Internal Revenue Code and the signed approving legal opinion of Faegre & Benson LLP as to the validity and enforceability of the Bonds and the exemption of interest thereon from federal and Minnesota income taxation (other than Minnesota corporate franchise and bank excise taxes measured by income) under present laws and rulings.

#### **SECTION 4. APPLICATION OF PROCEEDS.**

**4.01. Appropriation of Funds.** The proceeds of the Bonds are hereby appropriated as follows: (a) any accrued interest shall be deposited in the Debt Service Account, (b) an amount sufficient to pay the costs of the Project shall be set aside for such purpose, and (c) an amount equal to the expenses of the transaction shall be applied to the payment thereof.

#### **SECTION 5. COVENANTS OF THE CITY.**

**5.01. Debt Service Account.** There is hereby established a separate Debt Service Account for payment of principal and interest on the Bonds. The Finance Officer shall deposit in the Debt Service Account such Net Revenues of the City's Parking Ramp System as are necessary to pay the principal of and interest on the Bonds when due; provided that such pledge of Net Revenues is subordinate to all obligations of the City relating to the application of parking revenues heretofore or hereafter made and such deposit shall be made only to the extent the Net Revenues are available therefor.

**5.02. Pledge of Full Faith and Credit; Tax Levies.** The full faith and credit of the City of Minneapolis are irrevocably pledged for the prompt and full payment of the Bonds and the interest thereon, when due. It is hereby estimated that net parking revenues pledged to the Bonds under Section 5.01 will produce at least five percent in excess of the amount needed to meet when due the principal and interest payments on the Bonds, but the City shall levy, in addition to all other taxes, a direct tax on all taxable property in the City without

limitation as to rate or amount, if necessary to pay such principal and interest when due. Without limiting the foregoing, the City shall levy taxes in each year to the extent estimated collections of tax increment revenues in the following year, together with available amounts on deposit in the Debt Service Account, and other dedicated funds are insufficient to pay principal of and interest on the Bonds in such subsequent year and at least 5.00% in excess thereof. As required by Minnesota Statutes, Section 469.060, there is hereby levied a tax on all taxable property in the City in the years and amounts sufficient to pay the principal of and interest on the Bonds when due and at least 5.00% in excess thereof. The precise amount of the levy shall be determined by the Board of Estimate and Taxation in connection with the sale of the Bonds and transmitted to the County on behalf of this Council. The levy may be reduced as provided in Minnesota Statutes, Section 469.060.

**5.03. Tax Covenant.** The City shall not take any action or authorize any action to be taken in connection with the application or investment of the proceeds of the Bonds or any activity in any District which would cause the Bonds to be bonds within the meaning of Section 141 of the Internal Revenue Code of 1986 or arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986. The City shall take all such action as may be required under the Internal Revenue Code of 1986 to establish or maintain the tax exempt status of the Bonds. If necessary, the City shall refrain from collecting from nongovernmental units lease or other payments which would result in a violation of this Section 5.03.

#### **SECTION 6. MISCELLANEOUS.**

**6.01. Arbitrage.** The City covenants and agrees with the purchasers and holders of the Bonds that the investments of proceeds of the Bonds, including the investment of any revenues pledged to the Bonds which are considered proceeds under the applicable regulations, and accumulated sinking funds, if any, shall be limited as to amount and yield in such manner that the Bonds shall not be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code, as amended, and regulations thereunder. On the basis of the existing facts, estimates and circumstances, including the foregoing findings

and covenants, the City Council hereby certifies that it is not expected that the proceeds of the Bonds will be used in such manner as to cause the Bonds to be arbitrage bonds under Section 148 and regulations thereunder. The Finance Officer shall furnish an arbitrage certificate to the purchaser embracing or based on the foregoing certification at the time of delivery of the Bonds, and the Finance Officer may make any election permitted under Section 148 on behalf of the City.

**6.02. Registration.** The City Clerk is hereby authorized and directed to certify a copy of this Bond Resolution and to cause the same to be filed with the Hennepin County Director of Property Taxation, exercising the powers of the County Auditor under Section 475.63, Minnesota Statutes, and to obtain this certificate as to registration of the Bonds.

**6.03. Certification.** The City Clerk, the Finance Officer and other officers and employees of the City are hereby authorized and directed to furnish to the attorneys approving the Bonds, on behalf of the purchasers of the Bonds, certified copies of all proceedings and certifications as to facts as shown by the books and records of the City, to show the proceedings taken in connection with the Bonds, and the right and authority of the City to issue the Bonds, and all such certified copies and certifications shall be deemed representations of fact on the part of the City.

**6.04. Effective Date.** This resolution shall take effect and be in force from and after its approval and publication.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to issue Fund Availability Notice (FAN) #Z3-1 to the Minneapolis Urban League, under Master Contract #10001, to provide curfew truancy services for the period from July 1, 1998 through June 30, 1999, in the amount of \$175,750, payable from 0600-860-8605.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to modify the following Fund Availability Notices (FANs) to the Minnesota Department of Economic Security (MDES), under Master Contract #10014, for the period from July 1, 1997 through June 30, 1999:

<b>Fund</b>	<b>Agency</b>	<b>Purpose</b>	<b>Amount</b>	<b>Fan #</b>	<b>Amount of Increase</b>
0300-860-8600	MDES	Federal placement & referral services	\$218,339	40-1b	+\$12,811
0600-860-8600	MDES	State placement & referral services	\$243,894	41-1b	+\$28,223

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends that the proper City officers be authorized to issue the following Fund Availability Notices (FANs) to the Loring Nicollet Bethlehem Community Centers, Inc. (LNBCC), under Master Contract #10008:

<b>Fund</b>	<b>Agency</b>	<b>Purpose</b>	<b>Period</b>	<b>Fan #</b>	<b>Amount</b>
0300-860-8600	LNBCC	Youth Works/ Americorps	9/1/98-8/31/99	B3-1	\$47,380
0600-860-8600	LNBCC	Youth Works/ Americorps	9/1/98-6/30/99	92-6	\$21,135

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends passage of the accompanying amendment to the Salary Ordinance setting the salary for the position of Supervisor, Grants and Special Projects, based on studies conducted by the Department of Human Resources, to be effective January 9, 1997.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-107, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, providing for salary adjustments relating to the position of Supervisor, Grants and Special Projects, based on studies conducted by the Department of Human Resources was passed October 2, 1998 by the City Council and approved October 8, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-107**  
**By Campbell**  
**1st & 2nd Readings: 10/2/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinance relating to Administration: Personnel**

The City Council of the City of Minneapolis do ordain as follows:

Section 1: That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

ADD:

Non-represented (CNR)

Effective – January 9, 1997

<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
E	1	Supervisor, Grants and Special Projects	1983	2088	2197	2313	2434	2563	2698

Section 2: That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

ADD:

Non-represented (CNR)

Effective – January 1, 1998



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<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
E	1	Supervisor, Grants and Special Projects	2033	2140	2252	2371	2495	2627	2765

Section 3: That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

ADD:

Non-represented (CNR)

Effective – January 1, 1999

<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
E	1	Supervisor, Grants and Special Projects	2084	2193	2308	2430	2557	2693	2834

Section 4: That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes: (Bi-Weekly Rates)

ADD:

Non-represented (CNR)

Effective – January 1, 2000 (A)

<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
E	1	Supervisor, Grants and Special Projects	2136	2248	2366	2491	2621	2760	2905

Non-represented (CNR)

Effective – January 1, 2000 (B)

<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
E	1	Supervisor, Grants and Special Projects	2147	2259	2377	2503	2634	2774	2919

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the labor agreement settlement for the Building and Construction Trades Council and Electricians, Local #292, AFL-CIO) “formula” adjustments for the second year of their negotiated contract, which equalizes the City pay and benefits with the outside union contractors’ pay and benefits, as more fully set forth in Petn No 264181, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute the required contract to reflect the terms of said agreement.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance, providing for implementation of salary adjustments, as set forth in said labor agreements.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-108 amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, providing for salary adjustments based on the labor agreement settlement with the Building and Construction Trades Council and Electricians, Local #292, AFL-CIO, was passed October 2, 1998 by the City Council and approved October 8, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-108  
By Campbell  
1st & 2nd Readings: 10/2/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating  
Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective May 1, 1998, May 2, 1998, June 1, 1998, and November 1, 1998, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 1, 1998:

BUILDING TRADES (CBT) Effective May 1, 1998

Group I:

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	1st 120 DAYS RATE
N	2	01400C	Bricklayer	H	22.36	28.39
			Provided that when working on a swing stage, a Bricklayer shall receive an additional 45 cents per hour.			
N	2	01510C	Carpenter	H	22.04	28.02
			Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.			
N	2	05760C	Iron Worker	H	23.98	30.26
N	2	07350C	Painter	H	21.36	27.23
			Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblastings, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour. Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.			

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	1st 120 DAYS RATE
N	2	05940C	Lacquer and Varnish Machine Operator	H	21.36	27.23
Provided that when a Lacquer and Varnish Machine Operator is spray painting, he/she shall receive an additional 75 cents per hour. Provided further that Painters, when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m., shall receive an additional 18.75% premium.						
N	2	08030C	Plumber	H	24.64	31.02
N	2	08010C	Plumber/Welder	H	24.56	30.93
N	2	09190C	Sheet Metal Worker	H	24.60	30.98

FLSA	OTC	CODE	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP
N	2	04530C	Foreman, Bricklayer	H	22.65	22.82	22.94	23.05	23.12	23.86
N	2	04560C	Foreman, Carpenter	H	22.41	22.62	22.75	22.80	22.88	23.44
N	2	04680C	Foreman, Iron Worker	H	25.09	25.20	25.40	25.51	25.60	25.98
N	2	04760C	Foreman, Painter	H	21.52	21.63	21.77	21.87	21.95	22.36
N	2	05010C	Foreman, Painter-Traffic	H	21.52	21.63	21.77	21.87	21.95	22.36
Provided that a Foreman, Painter, and Foreman, Painter-Traffic shall receive \$1.00 per hour more than the Journeyman Painters working for the Foreman.										
N	2	04840C	Foreman, Plumber	H	25.29	25.42	25.54	25.64	25.74	26.89
N	2	04860C	Foreman, Plumber/Welder	H	25.29	25.42	25.54	25.64	25.74	26.89
N	2	04940C	Foreman, Sheet Metal Worker	H	24.86	24.97	25.12	25.24	25.26	26.35

CBT - Effective May 1, 1998

Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON-TAXABLE FRINGE BENEFIT	OVER-TIME RATE
N	2	C91100	Bricklayer (temporary)	H	21.91	2.00	6.94	32.87
Provided that when working on a swing stage, he/she shall receive an additional 45 cents per hour.								
N	2	C91110	Foreman, Bricklayer	H	23.41	2.00	6.94	35.12
N	2	C91150	Carpenter (temporary)	H	22.16	1.82	6.44	33.24
Provided that when a Carpenter is working with material that has been treated with toxic carbolineum or toxic creosote, he/she shall be paid an additional 25 cents per hour.								
N	2	C91160	Foreman, Carpenter (temporary)	H	23.56	1.82	6.44	35.34
N	2	C91830	Iron Worker (temporary)	H	22.35	1.50	9.19	35.78
N	2	C91835	Foreman, Iron Worker (temporary)	H	24.35	1.50	9.19	38.78
N	2	C91850	Painter (temporary)	H	20.93	1.00	7.72	31.40

Provided that when a Painter is working on overhead window-jacks, safety belts, structural steel, epoxy, commercial sandblastings, all 2-component paints, bridge work (except for guard rails and inside railings), swing stages (not including scaffolding), and spray painting, he/she shall receive an additional 75 cents per hour. Provided further that painters when performing striping duties between the hours of 12:00 a.m. and 8:00 a.m. shall receive an additional 18.75% premium.

N	2	C91860 Foreman, Painter (temporary)	H	21.93	1.00	7.72	32.90
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N	2	C91860 Foreman, Painter-Traffic (temporary)	H	21.93	1.00	7.72	32.90
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Provided that a Foreman, Painter, or Foreman, Painter-Traffic shall receive \$1.00 per hour more than the Journeyman Painters working for the Foreman.

N	2	C92000 Plumber, Plumber/Welder (temporary)	H	21.48	4.29	8.01	
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N	2	C92060 Foreman, Plumber, (temporary)	H	23.73	4.29	8.01	
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N	2	C92060 Foreman, Plumber/Welder (temporary)	H	23.73	4.29	8.01	
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N	2	C92150 Sheet Metal Worker (temporary)	H	22.60	2.10	9.11	33.90
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N	2	C92160 Foreman, Sheet Metal Worker (temp)	H	24.35	2.10	9.11	36.53
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N	2	C92070 Foreman, Plumber (Master)	H	24.73	4.19	8.01	
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**OVERTIME RATES:**

N	2	C92000 Plumber, Plumber/Welder (temporary)	H	32.22	6.44	12.02	
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N	2	C92060 Foreman, Plumber, (temporary)	H	35.60	6.44	12.02	
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N	2	C92060 Foreman, Plumber/ Welder, (temporary)	H	35.60	6.44	12.02	
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N	2	C92970 Foreman, Plumber (Master)	H	37.10	6.44	12.02	
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Provided that new temporary trades personnel, and temporary trades personnel currently on the city payroll not vested in PERA, shall be included in the program to send benefit funds to the Building Trades Trust Funds.

[Section 2. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 2, 1998:](#)

ELECTRICIANS (CEL) Effective May 2, 1998

Group I:

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	1st 120 DAYS RATE
N	2	03860C	Electrician	H	26.28	32.92

				1st	2nd	3rd	4th	5th	6th
			P	STEP	STEP	STEP	STEP	STEP	STEP
N	2	04600C Foreman, Electrician	H	26.98	27.17	27.30	27.37	27.47	28.28

APPRENTICE RATES: Indentured prior to May 3, 1997

			P	HOURLY RATE	TAXABLE VACATION	NON- TAXABLE FRINGE BENEFIT
N	2	C91800 Electrician (Apprentice)				
		1st Period	H	10.07	0.00	1.71
		2nd Period	H	11.33	0.00	1.92
		3rd Period	H	12.59	1.64	3.66
		4th Period	H	15.10	1.96	4.39
		5th Period	H	17.62	2.29	5.13
		6th Period	H	20.14	2.62	5.88

OVERTIME RATES:

1st Period	H	15.11	0.00	2.57
2nd Period	H	17.00	0.00	2.88
3rd Period	H	18.89	2.46	5.49
4th Period	H	22.65	2.94	6.59
5th Period	H	26.43	3.44	7.70
6th Period	H	30.21	3.93	8.81

CBT/CEL - Effective May 2, 1998

APPRENTICE RATES: Indentured on or after May 3, 1997

			P	HOURLY RATE	TAXABLE VACATION	NON- TAXABLE FRINGE BENEFIT
N	2	Electrician (Apprentice)				
		1st Period	H	10.07	0.00	2
		2nd Period	H	11.33	0.00	2
		3rd Period	H	12.59	1.64	4
		4th Period	H	13.84	1.79	4
		5th Period	H	15.10	1.96	4
		6th Period	H	16.36	2.13	5
		7th Period	H	17.62	2.29	5
		8th Period	H	19.13	2.49	6
		9th Period	H	20.89	2.72	6
		10th Period	H	22.90	2.98	7

OVERTIME RATES:

1st Period	H	15.11	0.00	2.57
2nd Period	H	17.00	0.00	2.88
3rd Period	H	18.89	2.46	5.49
4th Period	H	20.76	2.69	6.06
5th Period	H	22.65	2.94	6.59
6th Period	H	24.54	3.20	7.16
7th Period	H	26.43	3.44	7.70
8th Period	H	28.70	3.74	8.36
9th Period	H	31.34	4.08	9.15
10th Period	H	34.35	4.47	10.02

## Group II (temporary)

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	NON- TAXABLE FRINGE BENEFIT
N	2	C91200	Electrician (temporary)	H	25.17	3.27	7.35
N	2	C91805	Foreman, Electrician, (temporary)	H	27.17	3.53	7.93
N	2	C91810	Foreman, (Master) Electrician (temp)	H	28.17	3.66	8.22

## OVERTIME RATES:

N	2	C91200	Electrician (temporary)	H	37.76	4.91	11.00
N	2	C91805	Foreman, Electrician (temporary)	H	40.76	5.30	11.88
N	2	C91810	Foreman, (Master) Electrician (temp)	H	42.26	5.49	12.33

Provided that new temporary trades personnel, and temporary trades personnel currently on the city payroll not vested in PERA, shall be included in the program to send benefit funds to the Building Trades Trust Funds.

Provided that a night shift differential of \$1.50 per hour for each hour, or fraction thereof, they actually work, shall be paid to all employees assigned to a second shift (any full work shift which begins between the hours of 12:01 p.m. and 6:00 p.m.) of the employer's signal truck operation.

Section 3. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective June 1, 1998:

CBT - Effective June 1, 1998

## Group I:

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	1st 120 DAYS RATE
N	2	00490C	Asbestos Worker	H	25.21	31.68
N	2	07780C	Pipefitter	H	25.12	31.58
N	2	07770C	Pipefitter/ Instrumentation	H	25.12	31.58

FLSA	OTC	CODE	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP
N	2	04730C	Foreman, Pipefitter	H	25.85	26.03	26.16	26.33	26.48	27.07

## Group II (temporary employees)

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	TAXABLE FRINGE BENEFIT	NON- OVER- TIME RATE
N	2	C91075	Asbestos Worker (temporary)	H	20.48	5.04	9.05	30.72
N	2	C91900	Pipefitter (temporary)	H	23.52	2.71	8.16	
N	2	C91950	Pipefitter/ Instrumentation (temporary)	H	23.52	2.71	8.16	
N	2	C91960	Foreman, Pipefitter (temporary)	H	25.47	2.71	8.16	

**OVERTIME RATES:**

N	2	C91900 Pipefitter (temporary)	H	35.28	4.07	12.24
N	2	C91950 Pipefitter/ Instrumentation (temporary)	H	35.28	4.07	12.24
N	2	C91960 Foreman, Pipefitter (temporary)	H	38.21	4.07	12.24

Provided that new temporary trades personnel, and temporary trades personnel currently on the city payroll not vested in PERA, shall be included in the program to send benefit funds to the Building Trades Trust Funds.

Section 4. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective November 1, 1998:

**BUILDING TRADES (CBT)**

Effective November 1, 1998

Group I:

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	1st 120 DAYS RATE
N	2	05760C	Iron Worker	H	24.25	30.57

  

FLSA	OTC	CODE	CLASSIFICATION	P	1st STEP	2nd STEP	3rd STEP	4th STEP	5th STEP	6th STEP
N	2	04680C	Foreman, Iron Worker	H	25.37	25.48	25.68	25.79	25.87	26.25

Group II (Temporary):

FLSA	OTC	CODE	CLASSIFICATION	P	HOURLY RATE	TAXABLE VACATION	TAXABLE FRINGE BENEFIT	NON- OVER- TIME RATE
N	2	C91830	Iron Worker (temporary)	H	22.55	1.50	9.34	36.08
N	2	C91835	Foreman, Iron Worker (temporary)	H	24.55	1.50	9.34	39.08

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the labor agreement settlement for the Minneapolis Building and Construction Trades Council, Trades Inspectors Unit, as more fully set forth in Petn No 264181, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute a 2-year contract to reflect the terms of said agreement, effective January 1, 1998 through December 31, 1999.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-109, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, providing for salary adjustments based on the labor agreement settlement with the Minneapolis Building and Construction Trades Council, Trades Inspectors' Unit, was passed October 2, 1998 by the City Council and approved October 8, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-109**  
**By Campbell**  
**1st & 2nd Readings: 10/2/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

**20.10.01 Council Jurisdiction.**

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective January 1, 1998, and January 1, 1999, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the biweekly salary rates unless stated otherwise.

**Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 1998.**

**BUILDING & CONSTRUCTION TRADES INSPECTORS (CBI)**

Effective: January 1, 1998

FLSA	OTC	CLASSIFICATION	P	1st	2nd	3rd	4th	5th	6th	7th
				STEP	STEP	STEP	STEP	STEP	STEP	STEP
N	3	Building Trades Inspector	B	1789	1806	1822	1836	1849	1907	1963

(A) Building (05470C), (B) Elevator (05490C),  
(C) Gas Heating (05540C), (D) Gas Processing (05550C),  
(E) Plumbing (05610C), (F) Heating-Refrigeration (05560C),  
(G) Refrigeration (05630C), (H) Steam & Hot Water (05650C),  
(I) Warm Air Heating-Air Conditioning (05770).

E	4	Lead Inspector, Building Trades	B	1895	1915	1933	1953	1972	2021	2074
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(A) Plumbing (06000C), (B) Heating & Refrigeration (05990C),  
(C) Warm Air Heating (06010C)

Provided that employees in this section shall receive the following longevity. These payments shall be based on a maximum of 80 hours bi-weekly:

- \$.15 cents per hour additional at the beginning of the 10th year of service.
- \$.22 cents per hour additional at the beginning of the 15th year of service.
- \$.33 cents per hour additional at the beginning of the 20th year of service.
- \$.39 cents per hour additional at the beginning of the 25th year of service.



Section 2. That the following classification in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective January 1, 1999.

**BUILDING & CONSTRUCTION TRADES INSPECTORS (CBI)**

Effective: January 1, 1999

<b>FLSA</b>	<b>OTC</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>1st STEP</b>	<b>2nd STEP</b>	<b>3rd STEP</b>	<b>4th STEP</b>	<b>5th STEP</b>	<b>6th STEP</b>	<b>7th STEP</b>
N	3	Building Trades Inspector	B	1834	1851	1868	1882	1895	1955	2012

(A) Building (05470C), (B) Elevator (05490C),  
(C) Gas Heating (05540C), (D) Gas Processing (05550C),  
(E) Plumbing (05610C), (F) Heating- Refrigeration (05560C),  
(G) Refrigeration (05630C), (H) Steam & Hot Water (05650C),  
(I) Warm Air Heating-Air Conditioning (05770C).

E	4	Lead Inspector, Building Trades	B	1942	1963	1981	2002	2021	2072	2126
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(A) Plumbing (06000C), (B) Heating & Refrigeration (05990C),  
(C) Warm Air Heating (06010C)

Provided that employees in this section shall receive the following longevity.

These payments shall be based on a maximum of 80 hours bi-weekly:

\$ .21 cents per hour additional at the beginning of the 10th year of service.

\$ .29 cents per hour additional at the beginning of the 15th year of service.

\$ .34 cents per hour additional at the beginning of the 20th year of service.

\$ .40 cents per hour additional at the beginning of the 25th year of service.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**W&M/Budget** – Your Committee recommends approval of the labor agreement settlement for the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators of the United States and Canada, Local Union #13, as more fully set forth in Petn No 264181, which summarizes the major proposed terms of said agreement.

Your Committee further recommends that the proper City officers be authorized to execute a 2-year contract to reflect the terms of said agreement, effective January 1, 1998 through December 31, 1999.

Your Committee further recommends passage of the accompanying amendments to the Salary Ordinance providing for implementation of salary adjustments, as set forth in said labor agreement.

Your Committee further recommends summary publication of the above-described Ordinance.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 98-Or-110, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, providing for salary adjustments based on the labor agreement settlement with the International Alliance of Theatrical Stage Employees and Motion Picture Machine Operators of the United States and Canada, Local Union #13, was passed October 2, 1998 by the City Council and approved October 8, 1998, by the Mayor. A complete copy of this ordinance is available for public inspection in the Office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

**ORDINANCE 98-Or-110**  
**By Campbell**  
**1st & 2nd Readings: 10/2/98**

**Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.**

The City Council of the City of Minneapolis do ordain as follows:

**20.10.01 Council Jurisdiction**

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of January 1, 1998, November 1, 1998, January 1, 1999 and November 1, 1999 and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

Section 1. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 1998.

**STAGEHANDS (0013)**

Effective January 1, 1998

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>RATE</b>
N	2	740	Production Technician – Permanent	B	\$1,465.75
N	2	743	Temporary Stagehand - General Work	H	\$16.09
N	2	743	Temporary Stagehand – Performance (1)	H	\$17.18
			Rigger Rate*	H	\$26.10

\*Rate for heavy rigging as defined in Section 20.02 of the Agreement.

Provided that a \$1.50 per hour shift differential be paid for shifts which start between the hours of 5:00 p.m. and 4:00 a.m.

Provided further that a \$.75 per hour shift differential be paid for shifts which start between the hours of 5:00 a.m. and 6:00 a.m. or between the hours of 4:00 p.m. and 5:00 p.m.

Provided that employees designated by the Employer as leadworker shall be paid a premium of one dollar (\$1.00) for each hour worked as leadworker.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours bi-weekly.

\$.09 cents per hour additional at the beginning of the 10<sup>th</sup> year of service.

\$.14 cents per hour additional at the beginning of the 15<sup>th</sup> year of service.

\$.24 cents per hour additional at the beginning of the 20<sup>th</sup> year of service.

\$.40 cents per hour additional at the beginning of the 25<sup>th</sup> year of service.

Section 2. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective November 1, 1998.

**STAGEHANDS (0013)**

Effective November 1, 1998

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>RATE</b>
N	2	740	Temporary Stagehand – Performance (2)	H	\$20.11

Section 3. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective January 1, 1999.

**STAGEHANDS (0013)**

Effective January 1, 1999

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>RATE</b>
N	2	740	Production Technician – Permanent	B	\$1,502.39
N	2	743	Temporary Stagehand - General Work	H	\$16.49
N	2	743	Temporary Stagehand – Performance (1)	H	\$17.61
			Rigger Rate*	H	\$26.75

\*Rate for heavy rigging as defined in Section 20.02 of the Agreement.

Provided that a \$1.50 per hour shift differential be paid for shifts which start between the hours of 5:00 p.m. and 4:00 a.m.

Provided further that a \$.75 per hour shift differential be paid for shifts which start between the hours of 5:00 a.m. and 6:00 a.m. or between the hours of 4:00 p.m. and 5:00 p.m.

Provided that employees designated by the Employer as leadworker shall be paid a premium of one dollar (\$1.00) for each hour worked as leadworker.

Provided that employees shall receive the following longevity. These payments shall be based on a maximum of 80 hours bi-weekly.

\$ .09 cents per hour additional at the beginning of the 10<sup>th</sup> year of service.

\$ .19 cents per hour additional at the beginning of the 15<sup>th</sup> year of service.

\$ .24 cents per hour additional at the beginning of the 20<sup>th</sup> year of service.

\$ .45 cents per hour additional at the beginning of the 25<sup>th</sup> year of service.

Section 4. That the following classifications in Section 20.10.01 of the above-entitled ordinance be amended to make the following changes effective November 1, 1999.

**STAGEHANDS (0013)**

Effective November 1, 1999

<b>FLSA</b>	<b>OTC</b>	<b>CODE</b>	<b>CLASSIFICATION</b>	<b>P</b>	<b>RATE</b>
N	2	740	Temporary Stagehand – Performance (2)	H	\$20.61

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

**Z&P** – Your Committee, having under consideration the petition of Upper Midwest Sales (Vac #1234) to vacate the East one half of First Street North lying Westerly of and adjacent to Apartment Ownership #0096, North River Road Industrial Condominium, to permit accessory parking for an existing business, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in said Vac #1234 and to grant said vacation, subject to retention of easement rights by Minnegasco and the City of Minneapolis.

Your Committee further recommends passage of the accompanying resolution vacating said street, and summary publication of same.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998 S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-380, vacating the East one half of First Street North lying Westerly of and adjacent to Apartment Ownership #0096, North River Road Industrial Condominium, was passed October 2, 1998 by the City Council and approved October 8, 1998 by the Mayor. The full text of

this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-380**  
**By McDonald**

**Vacating the East one half of First Street North lying Westerly of and adjacent to Apartment Ownership #0096, North River Road Industrial Condominium.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the East one half of First Street North lying westerly of and adjacent to Apartment Ownership #0096, North River Road Industrial Condominium, is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis and Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to The City of Minneapolis: A 15 foot wide storm sewer easement over, under, and through that part of the east one half of 1st Avenue North, which lies north of the westerly extension of the south line of Apartment Ownership No. 0096, North River Industrial Condominium, and a 20' emergency vehicle lane around the rear of the building over the to be vacated 1st Avenue North.

As to Minnegasco: All of the to be vacated 1st Avenue North.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works

of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so;

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the petition of Minneapolis Public Works Department and Park Printing (Vac #1243) to vacate a 10 ft wide City utility easement in Block 1, Lot 2, Ranat Addition to Minneapolis because the Park Printing building encroaches into the easement, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Vac #1243 and to grant said vacation, subject to retention of easement rights by Minnegasco.

Your Committee further recommends passage of the accompanying resolution vacating said easement.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-381**  
**By McDonald**

**Vacating the ten foot wide utility easement in Block 1, Lot 2, Ranat Addition to Minneapolis.**

Resolved by The City Council of The City of Minneapolis:

That all that part of the ten foot wide utility easement in Block 1, Lot 2, Ranat Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement

right and authority of Minnegasco, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to Minnegasco: All of the to be vacated easement.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations having utility facilities located within the area involved authorizing them to do so.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the petition of Acrylic Fabricators Corporation (Vac #1248) to vacate that part of 40th Av N adjacent to and south of Lots 8, 9 and 10, Block 1, Thomas Morgan's Addition to permit construction of a truck loading dock and driveway access to the dock, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Vac #1248 and to grant said vacation, subject to retention of easement rights by the City of Minneapolis.

Your Committee further recommends passage of the accompanying resolution vacating said street, and summary publication of same.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Resolution 98R-382, vacating that part of 40th Avenue North adjacent to and South of

Lots 8, 9 and 10, Block 1, Thomas Morgan's Addition, was passed October 2, 1998 by the City Council and approved October 8, 1998 by the Mayor. The full text of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

**RESOLUTION 98R-382**

**By McDonald**

**Vacating that part of 40th Avenue North adjacent to and South of Lots 8, 9 and 10, Block 1, Thomas Morgan's Addition.**

Resolved by The City Council of The City of Minneapolis:

That all that part of 40th Avenue North lying adjacent to and south of lots 8, 9, and 10, Block 1, Thomas Mangan's Addition to Minneapolis is hereby vacated except that such vacation shall not affect the existing easement right and authority of the City of Minneapolis, their successors and assigns, to enter upon that portion of the aforescribed street which is described in regard to each of said corporations as follows, to wit:

As to the City of Minneapolis: Over, under and through the entire portion of vacated 40th Avenue North.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so;

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights

reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the petition of Central Community Housing Trust (Vac #1210) to vacate 12th Avenue South between 8th and 9th Streets South to permit the East Village Housing Project, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Vac #1210 and to grant said vacation.

Your Committee further recommends passage of the accompanying resolution vacating said street.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-383**

**By McDonald**

**Vacating 12th Avenue South between 8th and 9th Streets South.**

Resolved by The City Council of The City of Minneapolis:

That all that part of 12th Avenue South between the south line of 8th Street South and the north line of 9th Street South and East 15th Street is hereby vacated.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Cart, Inc (P-1040) to rezone property at 2900 and 2912 Clinton Av S from R2B to the M1-4 District to permit expansion of the building and site of a non-conforming ambulance service, now

recommends denial of the application and in lieu thereof approval of:

a. rezoning 2900 Clinton Av S from R2B to the M1-1 District; and

b. granting a conditional use permit for transitional parking for 2912 Clinton Av S on condition that it can be used only for business related parking and not for storage and that a landscaping plan for 2912 Clinton Av S be approved by the City's landscaping consultant.

Your Committee further recommends that the related findings set forth in P-1040 be adopted.

Your Committee further recommends passage of the accompanying amendment to the Zoning Ordinance. (63852)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-111**

**By McDonald**

**1st & 2nd Readings: 10/2/98**

**Amending Title 20, Chapter 536 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 1 & 2, Block 3, Duensign's Addition to Mpls. (2900 Clinton Av S – Plate 25) to the M1-1 District.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the application of Carolyn Emerson for a special permit to erect a 10 ft x 21 ft carport of sufficient height to accommodate a handicapped accessible van

on the west side of the existing garage at 3201 E 25th St in order to begin construction as soon as possible, and understanding that a variance application to permit the carport is pending before the Board of Adjustment, now recommends that said permit be granted on condition that if the variance is not granted, the property must comply with the Zoning Code (#1998-198).

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the recommendation of the Heritage Preservation Commission that Adath Jeshurun Synagogue be designated for local heritage preservation pursuant to Title 2, Chapter 34 of the Minneapolis Code of Ordinances, and having held a public hearing thereon, now recommends passage of the accompanying resolution designating Adath Jeshurun for heritage preservation.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

#### **RESOLUTION 98R-384**

**By McDonald**

#### **Designating Adath Jeshurun Synagogue, 3400 Dupont Avenue South, for heritage preservation.**

Whereas, the Minneapolis Heritage Preservation Commission (HPC) has recommended to the City Council that the exterior of the Adath Jeshurun Synagogue, also known as First Universalist Church, 3400 Dupont Avenue South, be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made August 24, 1998; and further did refer the subject matter to the Minnesota

Historical Society for review and comment, such favorable comment being made in a letter of November 10, 1997 set forth in Petn No 264183; and

Whereas the Standing Committee on Zoning and Planning held a public hearing on September 22, 1998, duly noticed pursuant to Section 34.50 of the MCO, and recommended that Adath Jeshurun Synagogue be designated for local heritage preservation upon condition that the front doors and stained glass windows may be removed and that the exterior stone carvings may be covered but not damaged, as set forth more fully in Petn No 264183;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the exterior of the Adath Jeshurun Synagogue is hereby designated for local heritage preservation with the conditions noted above, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes,  
President of Council.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee, having under consideration the recommendation of the Heritage Preservation Commission that the Handicraft Guild Building be designated for local heritage preservation pursuant to Title 2, Chapter 34 of the Minneapolis Code of Ordinances, and having held a public hearing thereon, now recommends passage of the accompanying resolution designating the Handicraft Guild Building for heritage preservation.

Ostrow moved a substitute motion to grant local designation of the original Handicrafts Guild Building located at 89-91 S 10th St and to deny designation for the building at 1004 Marquette Av and to direct the City Attorney's Office to prepare findings of fact consistent with this action. Seconded.

Lost upon a voice vote.

The report was adopted.

Yeas, 12; Nays, 2 as follows:

Yeas – Biernat, Niland, Goodman, Colvin Roy, Herron, Mead, Minn, McDonald, Thurber, Ostrow, Cherryhomes.

Nays – Johnson, Campbell.  
Passed October 2, 1998.  
Approved October 8, 1998. S. Sayles  
Belton, Mayor.  
Attest: M. Keefe, City Clerk.

**RESOLUTION 98R-385**  
**By McDonald**

**Designating the Handicraft Guild  
Building, 89-91 S 10th St and 1004  
Marquette Av, for heritage preservation.**

Whereas, the Minneapolis Heritage Preservation Commission (HPC) has recommended to the City Council that the exterior of the Handicraft Guild Building, 89-91 S 10th St and 1004 Marquette Av, be designated for local heritage preservation; and

Whereas, prior to such recommendation and in compliance with Title 2, Chapter 34 of the Minneapolis Code of Ordinances (MCO), the HPC did refer the subject matter to the City Planning Commission (CPC) for review and recommendation, such CPC recommendation being made August 24, 1998; and further did refer the subject matter to the Minnesota Historical Society for review and comment, such comment being made in a letter of May 10, 1995 set forth in Petn No 264183; and

Whereas the Standing Committee on Zoning and Planning held a public hearing on September 22, 1998, duly noticed pursuant to Section 34.50 of the MCO, and recommended that the Handicraft Guild Building be designated for local heritage preservation;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the exterior of the Handicraft Guild Building is hereby designated for local heritage preservation, and that the proper City officers and the HPC are directed to comply with the provisions of Sections 34.60 through 34.90 of the MCO.

Adopted. Yeas, 12; Nays, 2 as follows:

Yeas – Biernat, Niland, Goodman, Colvin Roy, Herron, Mead, Minn, McDonald, Thurber, Ostrow, Cherryhomes.

Nays – Johnson, Campbell.  
Passed October 2, 1998. J. Cherryhomes,  
President of Council.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**Z&P** – Your Committee concurs in the recommendation of the Planning Commission (1) to approve the application of Holiday Stationstores, Inc. (P-1039A and B) to rezone the property at 2108 E Franklin Av from the B3SP-2 to B3S-1 District and to rezone the property at 2124 E Franklin Av from B3S-2 to B3SP-1 District to permit the redevelopment of an automobile combination convenience facility and commercial parking lot, and (2) to adopt the related findings set forth in Petn No 264184.

Your Committee further recommends passage of the accompanying amendment to the Zoning Ordinance. (63853)

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**ORDINANCE 98-Or-112**  
**By McDonald**

**1st & 2nd Readings: 10/2/98**

**Amending Title 20, Chapter 536 of the  
Minneapolis Code of Ordinances relating to  
Zoning Code: Zoning Districts and Maps  
Generally.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 536.20 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 8 & 9, Block 32, Murphy's Addition to the Town of Mpls (2108 E. Franklin Ave. – Plate 21) to the B3S-1 District.

B. That part of The East 58 ft. of Lots 6 & 7, Block 32, Murphy's Addition to the Town of Mpls. (2124 E. Franklin Ave. – Plate 21) to the B3SP-1 District.

Adopted. Yeas, 13; Nays none.

Passed October 2, 1998. J. Cherryhomes,  
President of Council.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

**MOTIONS**

Ostrow, Chair of the Claims Committee, moved concurrence in the reports received from the City Attorney (Petn No 264185)



recommending payment of workers' compensation to various employees and to the State Fund, and for payment of bills and professional services rendered claimants or employees injured on the job.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, for first reading and referral to the Zoning and Planning Committee (initiating an interim ordinance prohibiting establishment, reestablishment or expansion of any unattended, automated gas station within the City of Minneapolis). Seconded.

Adopted upon a voice vote.

Campbell and Biernat moved to introduce the subject matter of an ordinance amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to *Administration: City Employee Residency*, for referral to the Ways and Means/Budget Committee for a public hearing to be held October 14, 1998 at 5:00 p.m. Seconded.

Adopted upon a voice vote.

Johnson moved to introduce the subject matter of an ordinance amending Title 20, Chapter 540 of the Minneapolis Code of Ordinances relating to *Zoning Code: Business Districts*, for first reading and referral to the Planning Commission and the Zoning and Planning Committee (making plumbing contractor offices a conditional use in the B2S zoning districts). Seconded.

Adopted upon a voice vote.

Minn and Niland moved to introduce the subject matter of evaluating a potential joint venture asphalt plant with Bituminous Roadways, Inc for referral to the Transportation and Public Works Committee and the Ways and Means/Budget Committee; and further, to direct staff to convene a team composed of Public Works, Finance/MAD, Finance/Procurement, and City Attorney to evaluate the

feasibility of the proposal and report back to the Committee on options. The issues that staff should address are:

1. The legal authority of the City to engage in a public/private partnership as outlined in the proposal;

a. Identify the legal obstacles, if any, in pursuing the proposal and recommend the process or procedures required to address them;

2. The benefits and disadvantages to the City of the proposal;

a. Identify any issues, in addition to the legal outlined above, that will require additional resources to overcome – the consequences to the City if the partnership fails;

b. Identify potential gains to the City of pursuing an arrangement with BR, and/or another asphalt business;

3. Identification of options that address the City's business needs for use in a counter proposal – sharing of raw material storage, joint bidding on raw materials, meeting future capital investment needs, etc. Seconded.

Adopted upon a voice vote.

Cherryhomes moved to waive the parade filing time requirement for applicant Reverend Jim Choi of Vietnamese Catholic Church, 1800 Dupont Av N, for a parade on Saturday, October 10, 1998 between 4 and 6 p.m. around the block bounded by 18th St N, Bryant Av N, 17th St N, and Dupont Av N. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to waive the parade filing time requirement for applicant Scott Bol of Minneapolis FACES, 2309 28th Av S, for a parade on Saturday, October 31, 1998 between 4 and 5 p.m. to follow a route from Matthews Park, to E 24th St, 33rd Av S, E 22nd St to 28th Av S and back to Matthews Park. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved to introduce the subject matter of an ordinance amending Title 16 of the Minneapolis Code of Ordinances relating to *Planning and Development*, adding a new Chapter 422A relating to *Port Authority Powers*, for first reading and referral to the Ways & Means/Budget Committee for a public hearing to be held October 13, 1998 at 11:00 a.m. Seconded.

Adopted upon a voice vote.

### RESOLUTIONS

Biernat, Cherryhomes, Ostrow, Campbell, Johnson, Niland, Goodman, Herron, Thurber, McDonald, Mead, Colvin Roy and Minn offered the following Resolution:

#### RESOLUTION 98R-386

##### Designating October as Flu Shot Month.

Whereas, with the onset of colder weather, most Minneapolis residents will be at risk of contracting the influenza, or "flu" virus; and

Whereas, the effects of influenza can be dangerous to persons who are elderly or medically high-risk; and

Whereas, flu can restrict an individual's activities for an extended period, affecting performance of home responsibilities and work productivity; and

Whereas, health professionals strongly recommend that healthy people of all ages receive influenza immunization before flu season sets in; and

Whereas, needle-free flu shots will be available from Metropolitan Visiting Nurse Association trained nurses for the next six weeks at various locations throughout the City;

Now, Therefore, Be It Resolved, that October is designated as Flu Shot Month, and all persons in Minneapolis are urged to protect their health and the health of others by availing themselves of influenza immunization at a location convenient to them.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed October 2, 1998. J. Cherryhomes, President of Council.

Approved October 8, 1998. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Cherryhomes offered a Resolution relating to reuse of the Old Federal Courts Building.

Cherryhomes moved to postpone the above Resolution. Seconded.

Adopted upon a voice vote.

### UNFINISHED BUSINESS

Motion by Cherryhomes that a new standing committee of the City Council be created entitled "Health and Human Services" to be chaired by Council Member Herron with meeting dates, times, and membership to be considered at the next regular City Council meeting. (Postponed 6/26/98)

Herron moved to continue postponement. Seconded.

### NEW BUSINESS

Biernat offered an ordinance amending Title 13, Chapter 278 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: Heating, Ventilating and Air Conditioning, Gasfitting and Refrigeration Installers, for first reading and referral to the Public Safety and Regulatory Services Committee (reducing fee for certificate of competency).

Campbell offered an Ordinance amending Title 2, Chapter 18 of the Minneapolis Code of Ordinances relating to Administration: Disposal of Surplus Government Property, for first reading and referral to the Ways & Means/Budget Committee for a public hearing to be held October 13, 1998 at 10:45 a.m.

Mead offered an Ordinance amending Title 11, Chapter 225 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Garbage and Refuse, updating language and processes related to utility billing and modifying the special assessment process to allow for an outside hearing officer, for first reading and referral to the Transportation and Public Works Committee for a public hearing on October 22, 1998 at 11:00 a.m.

Mead offered an Ordinance amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Water, updating language and processes related to utility billing and modifying the special assessment process to allow for an outside hearing officer, for first

reading and referral to the Transportation and Public Works Committee for a public hearing on October 22, 1998 at 11:00 a.m.

Mead offered an Ordinance amending Title 19, Chapter 511 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewage Disposal: Sewers and Sewage Disposal, updating language and processes related to utility billing and modifying the special assessment process to allow for an outside hearing officer, for first reading and referral to the Transportation and Public Works Committee for a public hearing on October 22, 1998 at 11:00 a.m.

#### **APPOINTMENTS**

Herron moved that Clarissa Walker, 3740 3rd Av S, be appointed to the Senior Citizen Advisory Committee to fill the vacancy of Carol Evers for the remainder of her term, expiring December 31, 1999. Seconded.

Adopted. Yeas, 12; Nays none.

Absent – Johnson.

Passed October 2, 1998.

Approved October 8, 1998. S. Sayles  
Belton, Mayor.

Attest: M. Keefe, City Clerk.

Campbell moved that when this Council adjourns, it adjourns to Friday, October 9, 1998, at 9:30 a.m. in Room 315, City Hall to consider the Madison vs. City and Rede vs. City lawsuits, and to conduct any other business deemed necessary at that time and that such meeting be and is hereby declared to be an adjourned session of the regular meeting of October 2, 1998. Seconded.

Adopted. Yeas 12; Nays none.

Absent – Johnson.

Adjourned.

Merry Keefe,  
City Clerk.  
98-8732